which came early in his career. In 1928 while serving aboard the U.S.S. *Procyon*, he was commended for the "rescue of shipwrecked and seafaring men," and in 1939 while serving in his first command, U.S.S. *Mugford*, he was commended when his destroyer won the fleet gunnery trophy with the highest score that had been achieved in many years. His ship also stood third in engineering competition and high in communication competition.

For his service in Destroyer Squadron 23, Admiral Burke was awarded the Distinguished Service Medal, the Navy Cross, the Legion of Merit, and is entitled to the ribbon for, and a facsimile of, the Presidential Unit Citation awarded Destroyer Squadron 23.

The citation reads:

PRESIDENTIAL UNIT CITATION TO DESTROYER SQUADRON 23

For extraordinary heroism in action against enemy Japanese forces during the Solomon Islands campaign, from November 1, 1943, to February 23, 1944 * * * Destroyer Squadron 23 operated in daring defiance of repeated attacks by hostile air groups, closing the enemy's strongly fortified shores to carry out sustained bombardments against Japanese coastal defenses and render effective cover and fire support for the major invasion operations in this area * * *. The brilliant and heroic record achieved by Destroyer Squadron 23 is a distinctive tribute to the valiant fighting spirit of the individual units in this indomitable combat group of each skilled and courageous ship's company.

As Chief of Staff, Commander Fast Carrier Task Force, Pacific—Task Force 38—Admiral Burke was awarded a Gold Star in lieu of the second Distinguished Service Medal, the Silver Star Medal, a Gold Star in lieu of the second Legion of Merit, and a letter of commendation with authorization to wear the Commendation Ribbon.

Admiral Burke is also entitled to the Presidential Unit Citation to the U.S.S. *Bunker Hill*, the Presidential Unit Citation to the U.S.S. *Lexington*, and the Navy Unit Commendation to the U.S.S. *Enterprise*. Those vessels were, at various times during his period of service, flagships of the Fast Carrier Task Forces in the Pacific.

From September 1950 until May 1951, he served as Deputy Chief of Staff to Commander U.S. Naval Forces, Far East, and for exceptionally meritorious conduct—in that capacity—from September 3, 1950, to January 1, 1951, he was awarded a Gold Star in lieu of the third Legion of Merit.

While serving as commander, Cruiser Division 5 from May to September 1951, and also as a member of the Military Armistice Commission in Korea, Admiral Burke was awarded an oak leaf cluster in lieu of the fourth Legion of Merit, by the Army—Headquarters, U.S. Army Forces, Far East—by General Order No. 5, as follows:

For exceptionally meritorious conduct in the performance of outstanding services as a delegate with the United Nations Command delegation, United Nations Command (Advance) in Korea, from 9 July to 5 December 1951. Admiral Burke's keen discernment and decisive judgment were of inestimable value in countering enemy intransigence, misrepresentation, and evasion with reasoned negotiation, demonstrable truth and conciliatory measures. As adviser to the Chief Delegate on all phases of the Armistice Conferences, he proffered timely recommendations for solutions of the varied intricate problems encountered. Through skillful assessment of enemy capabilities, dispositions, and vulnerable abilities and brilliant guidance of supporting staff officers [he] significantly furthered progression toward success of the United Nation's first armed bid for world peace.

In addition to the Navy Cross, the Distinguished Service Medal with gold star, the Legion of Merit with two gold stars and oak leaf cluster—Army—the Silver Star Medal, the Commendation Ribbon, the Purple Heart Medal—for wounds received while serving on board the U.S.S. *Conway* during July 1943—the Presidential Unit Citation Ribbon with three stars, and the Navy Unit Commendation Ribbon, Admiral Burke has the American Defense Service Medal, Fleet Clasp; the Asiatic-Pacific Campaign Medal with two silver stars and two bronze stars—12 engagements—the American Campaign Medal; World War II Victory Medal; Navy Occupation Service Medal, Europe Clasp; the National Defense Service Medal; and the Philippine Liberation Ribbon, Korean Service Medal, and United Nations Service Medal. He also has been awarded the Ul Chi Medal and the Presidential Unit Citation from the Republic of Korea.

SENATE

FRIDAY, JULY 28, 1961

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

Rabbi Stanley Rabinowitz, Adas Israel Congregation, Washington, D.C., offered the following prayer:

Master of the measureless universe, Creator of man's conscience, source of our divine image, to Thee do we address our thoughts. May we face this day with stubborn commitment to the principles that have nourished our country's greatness. May we be blessed with wisdom and courage sufficient unto the challenge of the day.

Where there is cynical derision, let us respond with dedication to righteousness.

Where there is narrow self-interest, let us bring forth our integrity.

May our deliberations reflect Thy inspiration. May our decisions reflect our sanctity. May our aspirations encompass the welfare of all mankind. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, July 27, 1961, was dispensed with.

REPORTS OF A COMMITTEE SUBMITTED DURING RECESS

Under the order of the Senate of July 27, 1961, the following reports of a committee were submitted during the recess:

On July 27, 1961:

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 1653. A bill to amend title 18, United States Code, to prohibit travel in aid of racketeering enterprises (Rept. No. 644); and

S. 1658. A bill to amend the act of January 2, 1951, prohibiting the transportation of gambling devices in interstate and foreign commerce (Rept. No. 645).

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour, for the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Theodore L. Richling, of Nebraska, to be U.S. attorney for the district of Nebraska;

Beverly W. Perkins, of Nevada, to be U.S. marshal for the district of Nevada;

John G. Chernenko, of West Virginia, to be U.S. marshal for the northern district of West Virginia; and

Thomas W. Sorrell, of Vermont, to be U.S. marshal for the district of Vermont.

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

PUBLIC HEALTH SERVICE

The Chief Clerk read the nomination of John C. Eason, Jr., to be senior sanitarian for permanent promotion in the regular corps of the Public Health Service.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

THE ARMY AND THE AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the Army and the Air Force, which had been placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following committees and subcommittees were authorized to meet during the session of the Senate today:

The Juvenile Delinquency Subcommittee of the Committee on the Judiciary.

The Finance Committee.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF REORGANIZATION PLAN NO. 1 OF 1958, TO CHANGE THE NAME OF THE OFFICE ESTABLISHED UNDER SUCH PLAN

A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, transmitting a draft of proposed legislation to further amend Reorganization Plan No. 1 of 1958, as amended, in order to change the name of the office established under such plan, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

ADMINISTRATION OF TRANSFER OF CERTAIN REAL PROPERTY FOR WILDLIFE

A letter from the Acting Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to improve the administration of transfers of certain real property for wildlife or other purposes by repealing the act of May 19, 1948, and incorporating the essential provisions thereof in the Federal Property and Administrative Services Act of 1949, as amended (with an accompanying paper); to the Committee on Commerce.

TARIFF CLASSIFICATION ACT OF 1961

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Tariff Act of 1930 and certain related laws to provide for the restatement of the tariff classification provisions, and for other purposes (with accompanying papers); to the Committee on Finance.

REPORT OF FEDERAL BUREAU OF NARCOTICS

A letter from the Assistant Secretary of the Treasury, transmitting, pursuant to law, a report of the Federal Bureau of Narcotics entitled "Traffic in Opium and Other Dangerous Drugs," for the calendar year ended December 31, 1960 (with an accompanying report); to the Committee on Finance.

REPORT OF ATTORNEY GENERAL ON THE ADMINISTRATION OF THE FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

A letter from the Attorney General, transmitting, pursuant to law, his report on the administration of the Foreign Agents Registration Act of 1938, as amended, for the calendar year 1960 (with an accompanying report); to the Committee on the Judiciary.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Acting Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report of the Archivist of the United States on a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. JOHNSTON and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the executive committee of the Territorial Party of Guam, Agana, Guam, favoring an amendment to the Organic Act of Guam, to provide for a Territorial Deputy Representative from Guam in the U.S. House of Representatives; to the Committee on Interior and Insular Affairs.

A resolution adopted by the American Women United, of San Antonio, Tex., protesting against the enactment of legislation providing for Federal aid to education; to the Committee on Labor and Public Welfare.

A resolution adopted by the County Planning Board of Bergen County, N.J., relating to billboards on the Federal highway system; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1899. A bill to increase the fees of jury commissioners in the U.S. district courts (Rept. No. 647).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2237. A bill to permit the entry of certain eligible alien orphans (Rept. No. 646).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 77. A bill to establish the Chesapeake and Ohio Canal National Historical Park in the State of Maryland, and for other purposes (Rept. No. 648).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 543. A bill to promote the preservation, for the public use and benefit, of certain portions of the shoreline areas of the United States (Rept. No. 649).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 981. A bill to extend certain authority of the Secretary of the Interior, exercised through the Geological Survey of the Department of the Interior, to areas outside the national domain (Rept. No. 650).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DODD:

S. 2330. A bill for the relief of Andrew Telesfor Kostanecki; to the Committee on the Judiciary.

By Mr. YOUNG of Ohio:

S. 2331. A bill for the relief of Yuk Seem Seto (Mrs. Loeung Chin); to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 2332. A bill to amend Public Law 86-376; to the Committee on Finance.

(See the remarks of Mr. ANDERSON when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 2333. A bill for the relief of Yee Lee, his wife, Chiemin Soun Lee, and their minor children, Shiuh Hwa Lee, Shiuh Kai Lee, and Shiuh Wuu Lee; and

S. 2334. A bill for the relief of George Meintanas; to the Committee on the Judiciary.

By Mr. LAUSCHE (for himself and Mr. YOUNG of Ohio):

S. 2335. A bill to amend section 2(e) of the act of May 19, 1961, with respect to certain temporary judgeships established by such act for the northern and southern districts of Ohio; to the Committee on the Judiciary.

RESOLUTIONS

AUTHORIZATION TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENTS OR RECESSES OF THE SENATE

Mr. MANSFIELD (for himself and Mr. DIRKSEN) submitted a resolution (S. Res. 185) authorizing the Vice President and the President pro tempore to sign enrolled bills and joint resolutions during daily adjournments or recesses for the remainder of the 87th Congress, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. MANSFIELD, which appears under a separate heading.)

DISAPPROVAL OF REORGANIZATION PLAN NO. 7 OF 1961

Mr. BUTLER submitted the following resolution (S. Res. 186); which was referred to the Committee on Government Operations:

Resolved, That the Senate does not favor the Reorganization Plan Numbered 7, transmitted to Congress by the President on June 12, 1961.

DISAPPROVAL OF REORGANIZATION PLAN NO. 6, RELATING TO FEDERAL HOME LOAN BANK BOARD

Mr. DIRKSEN submitted a resolution (S. Res. 187) disapproving Reorganization Plan No. 6 of 1961, which was referred to the Committee on Government Operations.

(See the above resolution printed in full when submitted by Mr. DIRKSEN, which appears under a separate heading.)

AMENDMENT OF PUBLIC LAW 86-376

Mr. ANDERSON. Mr. President, I introduce, for appropriate reference, a bill to amend Public Law 86-376 by striking out the year "1959" and inserting in lieu thereof, the year "1957." I do this as a result of a situation which has arisen because of what I regarded as a bad interpretation of a law dealing with small business corporations. The interpretation which was applied would virtually confiscate a small business corporation. I am sure that was not the intention of the Congress or of the Treasury Department.

I ask unanimous consent to include as a portion of my remarks a copy of the bill and a statement explaining the reasons for its introduction.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 2332) to amend Public Law 86-376, introduced by Mr. ANDERSON, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(d) of Public Law 86-376 is amended by striking out "1959" and inserting in lieu thereof "1957".

The statement presented by Mr. ANDERSON is as follows:

EXPLANATION OF BILL

Public Law 86-376 amended the Internal Revenue Code by adding subsection (c) to section 1371. That subsection provides that under certain conditions husbands and wives are to be treated as a single shareholder for section 1371 purposes. Prior to this amendment, the Internal Revenue Service took the position that stock owned jointly by a husband and wife was owned by two shareholders. Thus, if an electing small business corporation having nine shareholders issued more stock and sold it to a husband and wife as joint tenants, this sale would terminate the election. Accordingly, in many cases the subchapter S election was unintentionally terminated. The public law referred to eliminated these unintentional terminations retroactively, but only for taxable years beginning after December 31, 1959. For this reason, it does not benefit taxpayers whose election was unintentionally terminated in a taxable year beginning after December 31, 1957, but before December 31, 1959. The present bill makes the amendment made by Public Law 86-376 applicable to all taxable years beginning after December 31, 1957. However, the amendment made by the bill does not apply to any case in which the statute of limitations has already run on the date of the bill's enactment.

The application of the amendment may be illustrated by a simple example: A and his wife, B and his wife, and C and his wife, together with D, E, and F (who are single), who owned all the stock of the X corporation made the election provided for in section 1372(a) of the Internal Revenue Code in December 1958. The X corporation was on a fiscal year ending January 31. On January 2, 1959 (before the termination of the year in which the election was made), the corporation issued additional stock to G, H, and J, all of whom were single.

Under the interpretation of the law adopted by the Internal Revenue Service the X corporation had 12 shareholders after the issuance of stock, because the stock owned by A and his wife was treated as owned by 2 shareholders as was the stock owned by B and his wife and that owned by C and his wife. Accordingly, the issuance of stock on January 2 terminated the election and it never became effective. It is assumed that the taxable year of the X corporation ending December 31, 1959, and all later taxable years of the X corporation will still be open on the day the bill is enacted.

Section 2(a) of Public Law 86-376 provided that stock owned as community property by a husband and wife as joint tenants was to be treated as stock owned by a single shareholder. However, this public law was made applicable only to taxable years beginning after December 31, 1959. It therefore does not apply to the case above described.

The bill makes the amendment embodied in Public Law 86-376 applicable to all taxable years beginning after December 31, 1957. Thus, if it is enacted, the election made in the case above described becomes effective for the year ending January 31, 1959, and all later taxable years of the X corporation.

AUTHORIZATION TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DURING RECESSES OR ADJOURNMENTS OF THE SENATE

Mr. MANSFIELD. Mr. President, on behalf of myself, and the Senator from Illinois [Mr. DIRKSEN] I submit a resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated for the information of the Senate.

The legislative clerk read the resolution (S. Res. 185) as follows:

Resolved, That during the remainder of the present session of the 87th Congress, the Vice President and the President pro tempore, notwithstanding the adjournments or recesses of the daily sessions of the Senate, be, and they are hereby, authorized to sign bills and joint resolutions which have been duly passed by the two Houses and found truly enrolled.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

DISAPPROVAL OF REORGANIZATION PLAN NO. 6, RELATING TO FEDERAL HOME LOAN BANK BOARD

Mr. DIRKSEN. Mr. President, I submit, for appropriate reference, a resolution of disapproval of the proposed Reorganization Plan No. 6. In connection therewith, I ask unanimous consent that a statement relating to the resolution be printed in the body of the RECORD.

The VICE PRESIDENT. The resolution will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The resolution (S. Res. 187) was referred to the Committee on Government Operations, as follows:

Resolved, That the Senate does not favor the Reorganization Plan Numbered 6 transmitted to Congress by the President on June 12, 1961.

The statement presented by Mr. DIRKSEN is as follows:

STATEMENT BY SENATOR DIRKSEN REGARDING REORGANIZATION PLAN NO. 6—THE FEDERAL HOME LOAN BANK BOARD

The long trail or reorganization plans continues to wind before us and we come now to Reorganization Plan No. 6 which pertains to the Federal Home Loan Bank Board. I believe that we should pause briefly here along the trail to look at some of the issues which are raised by this plan.

What does Reorganization Plan No. 6 do? The plan itself says that it will transfer to the Chairman "the overall management, functioning, and organization of the agency."

According to the President's message accompanying the plan, the plan will: place responsibility and authority for the administration of the activities of the Federal Home Loan Bank Board in the Chairman of the Board and relieve the Board of day-to-day operating responsibility.

Now what are its activities? The statute says:

The Board shall supervise the Federal home loan banks created by this chapter, shall perform the other duties specifically prescribed by this chapter and shall have power to suspend or remove any director, officer, employee, or agent of any Federal home loan bank.

In other words this means that the Chairman of the Board will have the responsibility and authority for carrying out the activities of the Board which include the power to suspend or remove any officer, director, employee, or agency of any Federal home loan bank.

This is a great power to give the Chairman—the power to suspend or remove a director, officer, or employee of any of the Federal home loan banks throughout the country. The Congress said this should be done by a three-man board. This reorganization plan provides that it may be done by the Chairman. Is this the kind of a function which the Congress intended should be delegated? I think not. I believe the power to look so deeply into and take such drastic action in the operation of the 11 Federal home loan banks as the removal of directors and officers should remain with the bipartisan board which the Congress created.

Indeed, I wonder what functions are left to the Board when I read the broad language of paragraph (5) of section 1 of the plan which transfers from the Board to the Chairman "the overall management, functioning and organization of the Board, including (a) the formulation and implementation of plans and policies designed to increase the effectiveness of the Board in the administration of the laws it is charged with administering." By and large, this transfer seems to cover most of the Board's activities.

Because the plan transfers so much power to one man, I thought it would be well to inquire as to the importance of these activities to the country. From the President's message I noted that there has been

a phenomenal growth of the Board's activities in recent years. The number of institutions that are members of the Federal home loan bank system has increased from 3,898 in 1950, to 4,552 at the present time and their assets have increased from $15.4 to $71 billion. Thus, Congress will have given a single man, designated by the President, the day-to-day responsibility for supervision and control of this vast financial empire if we do not disapprove Reorganization Plan No. 6.

This is particularly important because the Federal home loan bank system deals in home mortgage loans. These are mortgages upon the homes of the people in this country. The entire home loan bank system was set up to finance such mortgages and the system was to be supervised by the Federal Home Loan Bank Board. Now, Reorganization Plan No. 6 "relieves the Board of the day-to-day responsibility" and places this responsibility on one man, the Chairman. It does not seem to me that this is what the Congress intended.

I note, too, that section 2(b) of the plan provides:

"The Chairman may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, or administrative unit under his jurisdiction of any function transferred to the Chairman by the provisions of section 1 of this reorganization plan."

Thus, not only does the plan give the Chairman the complete control over the day-to-day operation of the Board but it permits him to delegate any of this power to any other officer or employee of the Board. In such fashion the power once given by Congress can be exercised by a man not even known to the Congress.

Note, too, that the Chairman can do this at any time, without notice, and without making his action public. The other reorganization plans at least have required that where there is a delegation of authority it be by published rule or order. What a lively time the Congress would have trying to find out who actually performs the day-to-day functions of this agency and who is responsible for its day-to-day operations. On the other hand, what a difficult time the people of this country would have in determining who would be the responsible official to make a particular decision.

I also want to point out that this reorganization plan goes far beyond giving to the Chairman the direction of personnel which the Housing Amendments of 1955 returned to the full Board and I want to emphasize that sentence in the President's message that states:

"The reorganization plan herewith transmitted would restore that authority of the Chairman and further increase his management functions."

Now, it could be said that a vigorous Board would be able to exercise a certain degree of control because the plan provides in section 2 that the Chairman shall be governed by general policies of the Board and by such regulatory decisions and determinations as the Board may make. However, I doubt the significance of this when the plan provides that the overall management, functioning and organization of the Board is transferred to the Chairman. It would seem to me that the Chairman would in short order become the tail which wags the dog.

I have pointed up these provisions of the Reorganization Plan No. 6 because I believe that they should be carefully considered by the Senate when it determines whether this plan is to be permitted to become effective. They constitute a basic change in the congressional intent that these functions shall be performed by a Board which will bring varied viewpoints and experiences to the consideration of the issues and problems before the Board.

I do not believe that Congress would have given such overall powers to one man. I believe, therefore, that this reorganization plan should be rejected and that the Congress should, as it is doing in the case of other reorganization plans, prepare a legislative substitute which more closely conforms to the congressional intent while, at the same time, permitting the Board to make the most effective use of all of its personnel.

ACT FOR INTERNATIONAL DEVELOPMENT OF 1961—AMENDMENTS

Mr. BYRD of Virginia submitted amendments, intended to be proposed by him, to the bill (S. 1983) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward economic and social development and internal and external security, and for other purposes, which were ordered to lie on the table and to be printed.

ENTRY OF CERTAIN ELIGIBLE ALIEN ORPHANS — ADDITIONAL COSPONSORS OF BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the name of the junior Senator from New York [Mr. KEATING] be added as a cosponsor of the bill (S. 2237) to permit the entry of certain eligible alien orphans, upon which a report has just been filed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that I be made a cosponsor of the alien orphans bill, the report on which was filed today.

The VICE PRESIDENT. Without objection, it is so ordered.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

William Marshall Broadrick, of Oklahoma, to be U.S. marshal, eastern district of Oklahoma, term of 4 years, vice Paul Johnson, resigned.

Casimir J. Pajakowski, of Indiana, to be U.S. marshal, northern district of Indiana, term of 4 years, vice Roy M. Amos.

Vernol R. Jansen, Jr., of Alabama, to be U.S. attorney, southern district of Alabama, term of 4 years, vice Ralph Kennamer.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Friday, August 4, 1961, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1643) to improve and protect farm prices and farm income, to increase farmer participation in the development of farm programs, to adjust supplies of agricultural commodities in line with the requirements therefor, to improve distribution and expand exports of agricultural commodities, to liberalize and extend farm credit services, to protect the interest of consumers, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COOLEY, Mr. POAGE, Mr. ALBERT, Mr. JONES of Missouri, Mr. HOEVEN, Mr. BELCHER, and Mr. QUIE were appointed managers on the part of the House at the conference.

THE MIGRATORY AGRICULTURAL WORKERS IN NEW YORK STATE

Mr. JAVITS. Mr. President, more and more attention has been directed properly to the problems of the domestic migratory agricultural worker. Already during this session much has been said concerning conditions and what could be done to help this group of Americans. The Committee on Labor and Public Welfare has reported out a number of the bills on this subject reported out of the subcommittee of which I am a member. I wish to draw attention to what has been done and is continuing to be done by the State of New York, traditionally in the forefront among the States in comprehensive legislation for the protection of the domestic agricultural worker. Migratory agricultural workers perform a vital service and New York recognizes it. Indicative of the current status of legislation and its enforcement and the protections and positive programs available to migratory agricultural workers in New York State is an article from the July issue of the Industrial Bulletin of the New York State Department of Labor: "State Labor Department Safeguards Migrants: Protects Welfare, Rights of 20,000 Crop Harvesters." I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATE LABOR DEPARTMENT SAFEGUARDS MIGRANTS—PROTECTS WELFARE, RIGHTS OF 20,000 CROP HARVESTERS

Some 20,000 interstate migrants are streaming into 1,000 labor camps in New York State this summer for work on fruit and vegetable farms, according to a report prepared by two agencies of the State labor department.

The agencies, the division of research and statistics, and the division of industrial relations, women in industry, and minimum wage, took a close look at farming operations in New York State last year and how farm labor legislation affects these operations. Their findings are recorded in the report entitled "Labor Laws in Action on New York State Fruit and Vegetable Farms, 1960."

The labor department enforces six labor laws affecting child labor, migrant registration, contractor registration, payroll records,

wage payments, and licensing of commissaries. To enforce these laws—and also explain them—the department in 1960 conducted 2,065 inspections in agricultural areas in the State. The inspections included visits to farms, labor camps, and commissaries. These inspections form the basis of the agencies' report.

Of the 35,605 persons who were found working during the farm inspections, 897 were under 16 years, including some who were illegally employed. The illegal child labor consisted of 70 children, 14 and 15 years old, who had no permit; 97 children 12 and 13 years old illegally employed because they had no permit, worked illegal hours or did not have a parent's consent. The children of 14 and 15 found illegally employed in 1960 constituted two-tenths of 1 percent of all workers employed at the time of inspection.

The interstate migrant workers who were expected to be employed in the State during 1960 totaled 22,400 according to 537 migrant registrations filed by persons who brought 10 or more workers into the State. (New legislation requires persons bringing five or more workers into the State to register. This becomes effective in 1962.) This is 11 percent fewer registrations and 14 percent fewer workers than in 1959. The decline reflects the mechanization of the harvesting of snap beans and other crops. Of the estimated 22,400 migrants employed, all did fieldwork except 1,600 who were employed in processing operations and 700 who did both.

The department issued 358 permits to operators of farm labor camp commissaries last year, compared with 365 in 1959. Forty violations by contractors were reported for failure to obtain a commissary permit in 1960, compared with 39 in the preceding year.

The New York State labor law requires contractors and those growers who bring 10 or more migrant workers into the State (5 workers, beginning in 1962) to keep payroll records and to give each worker a statement with his pay. The most frequent offense under this provision of the law was failure to give wage statements.

Last year, New York State was the Nation's fourth largest producer of vegetables both for the fresh market and for processing. Production of 16 principal vegetables and melons for the fresh market was valued at nearly $36 million and production of 9 principal vegetables for processing was valued at $17 million. Snap beans provide more employment to harvest workers than any other single crop in the State; New York ranked second in the production of snap beans for the fresh market and for processing. New York also was the second largest producer of apples, grapes, and sour cherries. Its farms produced large quantities of sweet cherries, peaches, pears, strawberries, and other fruits. And the State ranked fourth in the production of Irish potatoes.

Preharvest operations—plowing, cultivating, fertilizing, and spraying—are mechanized and demand relatively few workers. Chemical weedkillers have lessened the demand for hand labor to weed and cultivate.

Mechanization also has made serious inroads in the harvesting of snap beans for processing, and of potatoes, beets, carrots, sweet corn, spinach, green peas, lima beans, and onions. For example, 75 percent of the 1959 potato crop on Long Island was harvested by machine so potato grading and packing now provides much more employment than harvest work does.

The most profound changes resulting from the mechanization in recent years have been connected with the harvesting of snap beans which was, and to some extent, still is, a product which requires a certain amount of manual labor. But in 1958 about two-thirds of all snap beans for processing in New York State were harvested by machines, and so were some fresh market beans. Today most snap beans for processing are harvested mechanically.

Harvest labor has been, for many years, a major cost in snap bean production. The fact that it is cheaper to harvest snap beans for processing by machine than fresh market beans by hand is one reason why the former have become an important product. For example, when the bean harvester had not yet been widely accepted by growers, snap bean production for processing accounted for only 63 percent of the total snap bean production in the State, but this figure had jumped to 75 percent by 1960, when about 150 machines were in use. During these 5 years the production of beans for processing rose by 65 percent while the production of fresh market beans dropped by 7 percent.

One disadvantage of machine harvesting is that the field is picked only once, unless there is an earlier picking by hand. For this reason, machine harvesting means a lower yield per acre than handwork, which allows more than one picking. But, machine picking has enabled some growers to discontinue use of manual labor and therefore, the services of a contractor and the cost of maintaining a labor camp.

While mechanization has reduced the need for harvest labor it has by no means eliminated it. For example, the harvesting of some fruits and vegetables grown in New York State is still done in whole or in part by hand. Because of this, a grower's success or failure depends in large measure upon his ability to recruit enough labor when and where he needs it. Delay may mean that the crop is past its prime, the time when it will bring the best price. It even may mean that part of the crop spoils and cannot be sold at any price.

Peak labor requirements in the State occur during July, August, and September. Some workers are needed during May and June to harvest early spinach, green peas, strawberries, and other early crops, and in the fall to harvest apples, grapes, cabbage, broccoli, cauliflower, and carrots.

For recruiting workers, employers depend upon labor contractors (crew leaders), the State employment service (acting in cooperation with the U.S. Employment Service), direct recruiting, and advertising. Some workers apply directly at the farms for jobs.

But exactly where do these migrant workers come from?

New York growers obtain their harvest labor from a wide geographical area. Interstate migrants come largely from Southern States, principally Florida. In April of each year, for example, New York State Employment Service representatives join with Employment Service personnel from other eastern seaboard States for preseason interviews with crew leaders in Florida. In 1960, they represented 198 New York State growers in confirming previous arrangements and securing commitments from 212 crews totaling more than 12,000 for harvest work in the Empire State. They include many family groups. Local workers are recruited by growers, contractors, or crew leaders from nearby cities where the New York State Employment Service last year operated 12 "day haul" centers from which an average of 817 workers were dispatched daily. Many offshore adult males are Puerto Rican and come under a written contract whose terms are approved by the Puerto Rican Labor Department. Intrastate migrants come from neighboring cities in New York State and live in labor camps during the season as do the interstate and foreign workers. Foreign workers from Jamaica and the Bahamas come in under contract. A few Canadians are employed at farmwork in northern New York State. More than 600 high school youths were referred by the New York State Employment Service from New York City to work as farm cadets.

To enforce and explain New York's farm labor laws the department's inspections were scheduled on the basis of lists of growers and contractors who filed under the migrant registration law, other growers known to the department, contractors who obtained licenses (certificates of registration), persons who requested commissary permits and camp operators who applied to the State department of health for permits.

Before and during the harvest season, the labor department conducted an educational program to inform employers, employees, and the public regarding the labor laws applicable to farm and food processing workers. This program was one of the most important parts of the department's work in connection with the recruitment of farm labor. Meetings were held in various parts of the State at which representatives of various State agencies met with growers, contractors, and civic groups.

To inform children and parents about the law, especially to remind them that farm labor permits are needed, booklets and posters were prepared and distributed, with the assistance of the State education department. This information was distributed widely.

Following the educational program which helped convey the new requirements of the labor law, the department followed up with a series of inspections to determine to what extent the new legislation was being adhered to.

A total of 662 violations were found; 306 were by growers and processors, and 356 by contractors.

All violators were reported by enforcement investigators to their district supervisors. The assistant industrial commissioner of the district summoned the more serious offenders to calendar hearings. During 1960, the labor department held 141 hearings involving 55 growers and processors and 86 contractors. At these hearings the pertinent section of the labor law was explained to offenders, who were warned that a repetition of the violation would result in the department taking more drastic action. Following the hearings, inspectors visit the violators to assure that compliance has been obtained.

In 1960 the labor law and the education law were amended to permit the employment of children 12 and 13 years old in connection with the hand harvesting of berries, fruits, and vegetables subject to the following limitations: Work is limited to hand harvesting to minimize the danger of accidental injury; the child must have a farmwork permit, which is issued only after he obtains a certificate of physical fitness and shows proof of age; he may not work more than 4 hours a day between 9 a.m. and 4 p.m. and only on nonschool days; he must be accompanied by a parent while at work or else have the written consent of a parent or guardian. These provisions of the labor law were explained as part of the department's educational program.

In administering the new law permitting work by children of 12 and 13, certain difficulties were encountered. One local school official who was unaware of the change in the law, did not issue permits to children under 14. The educational department corrected this matter when it learned of it. Some parents and growers objected to the requirement that a parent give written consent, on the ground that no form was provided for this purpose along with the farmwork permit and the odd slips of paper were a nuisance and often got lost. Some growers reported that the 9 a.m. limitation was not practical and it would be better for the starting hour to be 8 a.m. Few objected to the limitation to 4 hours a day, but the inspection staff reported that it was difficult to enforce it. Many growers who employed children told investigators that they

did not know that these youngsters needed farmwork permits.

The 1,000 farm labor camps which had five or more occupants were operated in New York State under permits required by the sanitary code administered by the New York State Health Department. Many migrant families with small children lived in these camps during the summer. The sanitary code, which prescribes the minimum conditions under which a camp permit may be issued, also required operators to provide adequate and competent adult supervision in the camp for occupants under 16 years at times when they were not accompanied by an adult. Some parents take their children to the fields where they can watch them, or to enable the children to earn extra money.

Under the New York State migrant child care program, child care centers were established to provide children of migrant parents with supervised recreation and care. Attendance at one of these centers also helped prevent the illegal employment of children. The program is operated by the New York State Federation of Growers' and Processors' Association, Inc., under the administration and supervision of the State department of agriculture and markets. Growers, processors or camp operators pay 20 percent of the operating cost, parents 5 percent and the State the remaining 75 percent. The program carried out last year was highly successful and expanded operations of these centers will be accomplished this year. The State has budgeted $60,000 for this purpose in 1961.

During the 1960 season 12 child care centers were operated. More than 530 children were cared for at these places. The first combined child care center and school for migrant children was operated in 1959 at Clinton, by the State department of agriculture and markets in conjunction with the State department of education. Four other summer schools for migrants were operated in 1959.

Eight summer schools for migrant children also were operated last year with a registration of 277 pupils. These schools were located in Camden, Clinton, Hannibal, Lyons, North Rome, Warwick, Waterville, and Westmoreland. Average daily attendance during the season was about 60 percent of pupils registered, in part because of late arrivals and early departures.

To avoid misunderstanding between migrants and their employers concerning wages, housing, and other conditions of employment, and to protect against unscrupulous crew leaders, a migrant registration law was passed in 1946. It applies to anyone who employed, recruited, transported and brought 10 or more farm or food-processing workers into the State from another State or who was reponsible for bringing them in. (As noted previously, this provision was revised to require that these people must register if they bring in five or more workers.) Prior to their arrival he must register their number with the labor department and give facts on wages, working conditions, housing, and related points which may be required by the industrial commissioner.

The commissioner prescribed a form on which the statement is filed by the grower, contractor (crew leader) or processor. A copy of this information, or summary of it, is given to each migrant worker at time of recruitment, but not later than upon arrival in New York State, and a copy must be posted at the camp where migrants live.

Under the amendment the industrial commissioner may revoke, suspend, or refuse to renew the migrant registration of anyone who has violated the labor law, the penal law, or has been convicted of a crime or has misrepresented or made false statements regarding working conditions.

There were 69 fewer migrant contract applications in 1960 than in 1959 and a drop of nearly 15 percent in the number of registered migrants who worked in New York State. This decline is related primarily to the impact of mechanization.

A law passed in 1954 and amended in 1956 requires that a certificate of registration be obtained from the industrial commissioner by any farm labor contractor (crew leader) who, for a fee, recruits, transports, supplies, or hires for work in New York, farm or food processing workers from inside or outside the State, or controls any part of their employment in the State. To operate in New York State, the contractor must have a certificate. The contractor must carry this certificate with him and show it to any investigator of the labor department upon request. It must be renewed each year by March 31.

A 1957 amendment prohibits the owner or lessee of a farm or food processing plants from utilizing the services of an unlicensed farm labor contractor or crew leader.

The law was enacted to protect workers from unscrupulous contractors who might, for example, give false or misleading information to a prospective worker. The contractor's certificate may be revoked if he misrepresents terms and conditions of work or existence of employment. In 1960, the labor department issued 549 certificates to contractors. Certificates were denied 23 contractors because they had been found guilty of violating the labor law or the penal law. Overall, the legislation helped weed out those contractors who were unfit to recruit laborers. The requirements of the laws served the workers who were recruited, the growers, and the general public.

A 1958 amendment to the labor law requires each contractor to give workers, with every payment of wages, a written statement showing the worker's wage rate, wages earned, hours worked, and all legal withholdings from his wages. The contractor must make these records available to representatives of the labor department at any reasonable time.

This 1958 law did not apply to growers who paid workers directly, but in March 1960 it was amended to cover growers who bring 10 or more interstate migrant workers into the State and will, in 1962, affect those who recruit 5 or more workers. A 1961 amendment further clarifies payroll recordkeeping by providing that records show the number of hours worked if a worker is paid hourly, the number of units produced if a worker is paid on a piecework basis, and all withholdings from wages. Another amendment in 1961 provides that wage statements need not be issued to the migrant registrant where there is a farm labor contractor or crew leader who is required to keep the payroll records and to give such wage statements.

Like other employers, farm labor employers are required to pay wages in full, weekly, except that they may pay every 2 weeks if the payment covers all work done through payday. The labor law empowers the industrial commissioner to investigate claims for unpaid wages, to help in the collection of wages due, and to institute court action if necessary. It also authorizes the commissioner to cooperate with any employee in enforcement of a just claim against his employer and for his protection against frauds and other improper practices on the part of any person.

Of the migrant registrants reporting frequency of wage payment, 512 paid weekly, 13 paid daily, 9 paid every 2 weeks, and 3 paid some of their workers daily and others weekly. Very few violations of the wage payment law were found in 1960.

Since 1958 the labor law requires the operator of a commissary or store in a farm labor camp to obtain a permit from the labor department and to post prices charged for merchandise or food (including meals) where migrants may have access to them. This, of course, helps prevent vendors from charging prices above those listed. The object of this law is to screen operators and allow only those of reputable character to operate commissaries. Also, the law protects migrant workers from being charged excessive prices for merchandise or food.

A labor camp commissary permit must be renewed each year. A 1960 amendment changed the termination date from December 31 to March 31. Eight requests for permits were denied because the applicants had been found guilty of violating the labor law or the penal law. But, conviction of a violation of the penal law or labor law does not necessarily mean that a person cannot bring migrant workers into New York State. However, revocation of a certificate of registration or refusal by the State labor department to issue a certificate prohibits individuals from bringing these workers into the State.

The workmen's compensation law of New York does not cover agricultural labor but under common law farmworkers can sue the employer if any injury results from the employer's negligence. (There is, however, voluntary coverage under the workmen's compensation law for those farmers who desire it.)

Injuries resulting from the employer's negligence and also some other injuries are covered if the employer of agricultural labor voluntarily purchases insurance that applies to agricultural labor. The insurance company then assumes the burden of defending suits at law against the employer.

In 1960, 77 percent of the migrant registration forms filed with the labor department indicated that the employer carried one or both of these types of insurance. Of the 414 who reported carrying some form of insurance, 200 had workmen's compensation alone, 155 had farmer's liability insurance alone and 59 had both. The insured employer accounted for 71 percent of the migrants whom registrants planned to bring into the State (15,600 out of the estimated 22,400).

Included in these figures are 55 employers (with 2,016 workers) who employed no agricultural labor, since they were engaged solely in food processing or potato grading and packing. Workmen's compensation is compulsory for such employers in New York State, and thus their employees are protected. For processors who also employ agricultural labor, it is compulsory only in respect to their processing labor; but some carry insurance to cover their fieldworkers too.

The New York State legislation protecting farmworkers is being improved yearly to meet new problems in this area. And, in time, as history notes, most operations on fruit and vegetable farms in the State will be mechanized and the need for migrant labor will diminish greatly. But in the interim these workers must be helped and protected. And, New York's role as a pioneer in improving conditions for these workers is recognized more and more.

THE COMMUNIST MENACE

Mr. BRIDGES. Mr. President, I wish to address myself briefly to a vital subject which was discussed in this body earlier this week. I refer to the outstanding speech delivered by the distinguished junior Senator from South Carolina [Mr. THURMOND] concerning anti-Communist activities among members of the military.

I know of no one better qualified to discuss this subject than my able friend from South Carolina. He is highly respected as a military man and he is

recognized as an articulate and outspoken foe of communism.

I am appalled by the reported efforts to muzzle our military leaders and prevent them from speaking out against the evils of the international Communist conspiracy. Our military personnel are trained to fight the enemy and I believe it is a rank inconsistency to force these fighting men to ignore the No. 1 threat to the survival of our country.

The very existence of our Armed Forces should be proof enough of the Communist threat. The plea of the President to beef up these forces gives added evidence of the extent of this threat.

Communism is our deadly enemy. It is an evil which must be fought and I submit that we owe it to our men in uniform to permit them to know the nature of the enemy they are fighting.

I, for one, am neither disturbed nor alarmed by the fact that efforts are underway to educate members of the Armed Forces with respect to the methods and tactics of Communists and communism. I applaud such a program; I support it and am hopeful that it will be allowed to continue.

The godless Red monster has spread its tentacles across every country in the world. We have seen it choke off freedom in Eastern Europe and Asia, and even in a small island located just 90 miles from our shores.

If we are to be successful in stopping the march of communism throughout the world, we will not do it by turning our backs or by burying our heads.

We must win the struggle—and I am confident that we shall win the struggle—and we shall do so by facing up to the challenge, by learning everything we can about the enemy and by fighting communism with every means at our disposal.

The distinguished junior Senator from South Carolina, in calling attention to attempts to thwart anti-Communist activities in the military, has performed a distinct public service. I command him for his forthright stand in this regard and I join him in his strong opposition to those who would silence our military leaders.

Mr. MANSFIELD. Mr. President, is there further morning business?

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

MARINE SCIENCES AND RESEARCH ACT OF 1961

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business, Senate bill 901, be laid before the Senate.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (S. 901) to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and laboratory facilities, to expedite oceanographic instrumentation, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the public health and general welfare, and for other purposes.

The VICE PRESIDENT. The Chair is informed that, under the unanimous-consent agreement, the time is now under control.

LEGISLATIVE PROGRAM—ORDER FOR SATURDAY SESSION AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time required for the announcement I am about to make not be included under the controlled time, and I also ask unanimous consent that the time required for the quorum call which will be requested following the remarks I am about to make not be charged to the time allotted under the unanimous-consent agreement.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, and after discussion with the distinguished minority leader, I announce that it is the intention to follow the bill on marine sciences, the so-called oceanography bill, with the two defense measures reported by the Armed Services Committee and with six anticrime bills which have been reported from the Judiciary Committee; and it is anticipated that some time this afternoon the so-called China resolution will be placed before the Senate.

Unfortunately and regretfully, I must announce to the Senate that, because of the fact that our work is piling up, it will be necessary for the Senate to meet tomorrow, to consider the appropriation bills having to do with independent offices and the Department of Health, Education, and Welfare.

Mr. President, at this time I ask unanimous consent that when the Senate ends its session today, it adjourn until tomorrow at 11 o'clock a.m.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I now suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

MARINE SCIENCES AND RESEARCH ACT OF 1961

The Senate resumed the consideration of the bill (S. 901) to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and laboratory facilities, to expedite oceanographic instrumentation, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the public health and general welfare, and for other purposes.

Mr. MAGNUSON. Mr. President, on yesterday, during the discussion of the pending measure, S. 901, there was a suggestion made that, in view of the President's speech of this week, the bill before us may not fall into the category of a "defense measure." If that were true, even though the Senate has passed it before, and the Commerce Department was unanimously for it, and all the witnesses representing the departments were in favor of it, I would probably be reluctant to push the bill and suggest its enactment. But all through S. 901, every phase of the activity in the 10-year program, which, as the Vice President, the occupant of the chair, knows, is similar for oceanography as it is for space, about 60 or 70 percent of it directly affects the defense of the United States and the very survival of the Nation.

A statement was made the other day in the Appropriations Committee by an eminent scientist that not only on what we know or do not know about space, but on what we know or do not know about the bottoms of the oceans, which cover three-quarters of the earth's surface, may depend, in this modern, nuclear, scientific day, our survival.

Pursuant to that thought, last night I culled the lengthy hearings on the bill and talked with representatives in the Defense Department and some noted admirals and Navy people regarding phases of S. 901 as they directly relate to the problems of underwater warfare potential as between ourselves and the Soviet-Chinese. I thought it would be well for the Senate at least to have in the RECORD what they presently say about this question.

Two noted admirals, one a commander of our antisubmarine defense forces in the Atlantic—where most of the trouble occurred during World War II, as the present speaker well knows, who experienced some of it—and one a commander of our antisubmarine defense forces in the Pacific, recently prepared articles for the magazine Navy on Soviet submarine power.

I checked with them again. They have not changed their opinions.

I quote from these articles at some length because they present compelling reasons why it is imperative that we expand our oceanographic research.

Vice Adm. Edmund B. Taylor, U.S. Navy, prepared one article, titled "New Sense of Urgency." He commands the anti-Submarine Defense Force of our Antisubmarine Defense Force of our Atlantic Fleet. I emphasize the word "anti" so there will be no misunderstanding. We do have other commands of the striking kind.

Vice Adm. John S. Thach, U.S. Navy, commands the Antisubmarine Defense Force, Pacific Fleet. His article is titled "The Silent Paths of Destruction." Admiral Taylor states in his article:

> The free world faces a submarine threat of unprecedented magnitude. The Soviet

colonial empire possesses more than 450 submarines, a great percentage of modern construction and capable of sailing whatever ocean waters they desire to penetrate.

In numbers alone this is a force eight times greater than the submarine fleet the Allies faced at the start of the last war.

Individually, the Soviet submarine today is a far stronger opponent than her World War II counterpart—she can go deeper, run faster and stay submerged longer.

Of vital concern is the fact of the growing number of Soviet missile-firing submarines.

In the years to come the Soviet submarine fleet is certain to take on significant new capabilities. We can expect them to add numbers of nuclear-powered and missile-launching submarines to their present great strength.

Again I add some of my own words. Although we do now, so far as we know, exceed Russia in nuclear-powered submarines, I cannot help thinking that the kind of bill and thinking as contained in S. 901 finally prodded the Defense Department, the Government, and the Nation, when others scoffed at the provision of atomic-powered submarines. We do now have, to our best information, better capability than the Russians have in nuclear-powered submarines. To repeat, Admiral Taylor said it will be only a short time before they take on this new phase of capability. He said we can expect them to add numbers of nuclear-powered and missile-launching submarines to their present great strength.

Admiral Taylor said further:

The nuclear-powered submarine is far more difficult to counter than is the conventionally powered diesel electric submarine and the terrible destructive power of a missile submarine places a huge demand on the free world to guard millions of square miles of ocean from which Soviet submarines could launch attacks against our military installations, industrial complexes, and centers of population.

We must insure free use of the seas in peace. We must be able to control the seas in war—whether it is a general conflict or limited action. And we must be able to defend the United States from attack by missile-launching submarines.

Admiral Taylor goes on further, regarding the importance, therefore, of oceanography.

(Mrs. NEUBERGER took the chair as Presiding Officer.)

Mr. MAGNUSON. Madam President, the United States has a coastline of 12,383 miles, and a tidal shoreline of 88,633 miles. Ocean waters wash 24 of our States and completely surround our 50th State, Hawaii.

The Great Lakes, which border eight of our greatest industrial States, have a shoreline of 4,649 miles. It may be argued that enemy submarines will never penetrate the Great Lakes, and I agree.

But the range of submarine-launched missiles now is such that were they fired from enemy submarines off our Atlantic coast or from Hudson Bay they could reach our Midwest manufacturing and merchantile centers.

Admiral Taylor in his informative article then discusses antisubmarine warfare capabilities. He states:

As to the threat of the diesel-electric snorkeling submarine—there is now in the fleet, or in development and soon to reach the fleet, we hope the technical means to handle this threat at sea. But let it be understood that there are not sufficient forces to handle simultaneously all the ASW (antisubmarine warfare) jobs that would surely have to be done.

The dark side of the ASW picture relates to future requirements.

There is not an adequate answer yet to the nuclear submarine.

I repeat:

There is not an adequate answer yet to the nuclear submarine.

This true submersible—

Admiral Taylor continues—

presents problems of a whole new order of magnitude. The threat of nuclear submarines armed with long-range ballistic missiles requires what was once referred to as "new dimensions of strategy."

Briefly to describe some basic ASW problems.

There is the problem of protection of merchant ships.

Madam President, I point out that the Germans in World War II had operational only some 83 or 85 submarines. The Germans had more submarines, some of them in pens, but the operational peak was about 85. I need not remind the Senate, the American public, the Department of Defense or the administration of what happened to us when the Germans had 85 operational submarines. They pretty nearly had us beaten at one time.

Admiral Taylor says:

There is the problem of protection of merchant ships. Here, if there are sufficient forces, they can do a pretty good job. Merchant ships, in war, would travel in convoys, and would be escorted by ASW ships and aircraft. The enemy submarine's mission is to attack. He must come to us. And to accomplish his mission he must reveal himself. When he does, there is an ASW team that can cope with him.

Second, there is the problem of protection of our naval fleets from submarine attack. This problem is similar to the first, in that naval ships travel in formation. They are screened by destroyers and supported by hunter-killer groups. Naval striking forces move fast, and the problem of relating position puts the submarine at a distinct disadvantage.

The majority of their submarines must happen to be in the right position ahead of the force or they never get a chance to shoot their torpedos. If he is out of position, its hard for him to catch up, and of course, the narrow area ahead of the force is thoroughly screened.

Up to now, I am happy to say, Admiral Taylor's remarks have been somewhat assuring. Now they become less assuring. The Admiral continues:

Finally, for defense of the continental United States, there is the problem of surveillance, detection, and prompt attack. This means patrolling broad ocean areas, and the oceans can seem as vast as all outer space when you're trying to pinpoint a submarine.

Even a snorkeling submarine offers a radar target only about as big as a basketball. It is a particularly difficult job when the submarine's mission is to remain undetected.

This is one of the real No. 1 priorities, and one of the serious problems in oceanography which we have not solved and must solve by research, so that we may be able to talk among ourselves and be able to detect the enemy submarines.

Admiral Taylor continues:

Now in all these three ASW situations, the submarine should be detected before he can launch his missile or his torpedo. But in the case of a submarine attempting to sneak toward our coast in order to launch a missile, early detection beyond missile range is obviously a must.

Effective surveillance of a large ocean area against the conventional submarine is difficult enough, and it requires considerable forces.

Against the nuclear submarine, which can remain submerged indefinitely, it is beyond our current capabilities, both from the standpoint of forces and of detection equipment, for other than limited protection.

Madam President, the question of mapping the oceans and ocean bottoms is what the admiral is talking about. The Russians have already done that to practically every bit of the coast line of these United States and of North America.

The admiral further says:

With detection equipment now available, there is not now and I don't expect that there ever will be, enough forces to screen thoroughly the millions of cubic miles of ocean off our coasts out of a missile range of even a few hundred miles.

Madam President, this is a very positive statement. It is a very disturbing statement. On the face of what Admiral Taylor has stated above there is a very real danger of enemy submarines, in time of war, slipping undetected close enough to our shores to blast our port cities and our great industrial centers with ballistic missiles.

Of course, the Hudson Bay offers the greatest place for this kind of warfare for the great Middle West industrial centers.

The question we may ask is: "Is there no possible answer to this threat?"

Admiral Taylor supplies the possible answer, an answer that goes right to the heart of S. 901, the pending bill. He states:

The only reasonable solution to this problem is a continuing program of basic oceanographic research toward the resolution of anomalies of transmission of energy in the ocean. Concurrently back this research up by an enthusiastic hardware development program which will take advantage of all the advances made in this research.

That is the heart of S. 901.

Madam President, let us break this statement down.

What is the solution—the only reasonable solution, as Admiral Taylor puts it.

It is "a continuing program of basic oceanographic research."

That is what S. 901 precisely provides—not a temporary program, not an intermittent or transient program, but a continuing program.

What else does Admiral Taylor consider as a part of this solution, which he calls the "only reasonable solution."

It is hardware. Hardware that will take advantage of advances made in research.

S. 901, for the first time in any Congress, authorizes a program of instrument development, new instruments—

not instruments in being, but instruments which scientists and engineers from all over the country agreed in a conference held here last October can and should be developed to strengthen us in the oceans.

Admiral Taylor explains some of the problems which confront the oceanographer in his research. They are also explained in some detail in the committee report on S. 901, and in the hearings, but Admiral Taylor explains these problems in a language anyone can readily understand.

> Coupled with the problem of detection is that of classification.
>
> The ocean is full of "red herrings"—schools of fish, sunken wrecks, whales, and other marine life which register on sonar detection equipment much as a submarine does.
>
> There are cavitating whales and fish that sound like mechanical noises. Groups of plankton can give an echo on sonar as solid as the hull of a submarine.

A couple of months ago I had the pleasure of visiting for 2 or 3 days with Jacques Piccard, the man who went 7 miles deep in the ocean. A sounding was taken at that point. I have always thought of the great depths of the ocean as "the silent deep." The noises of marine life were amplified, and they sounded like a boiler factory. That phenomenon is one of the problems about which the admiral spoke which we have not yet solved, and it is one of the important points covered in the bill S. 901.

The admiral further stated:

> The process of sorting out the submarine from these red herrings is called classification. We depend on the experienced sonarman, or in the confirmation of the indications of one piece of equipment by the indications of another type. In some cases it takes too long a time to make a positive determination.
>
> In war, we could not afford to waste time on these red herrings. There is the need for something which will give us a prompt answer: Submarine or nonsubmarine—friend or foe.

Witnesses at hearings on S. 901 told the Committee on Commerce the same thing and in substantially the same language. They, too, advocated a program of oceanographic research such as that embodied in S. 901 as a safeguard against enemy submarines.

Admiral Taylor's immediate responsibilities are in the Atlantic. Those of Admiral Thach are in the Pacific. In the "silent paths of destruction" Admiral Thach reports on the big Communist submarine buildup in the Pacific.

I wish Senators would listen to the statement:

> The Soviets have over 100 submarines in commission in the Pacific. In addition to these, the Chinese Communists have the fourth largest submarine force in the world.

I am sure that statement is news to some of us.

Admiral Thach continues:

> As a matter of fact the great majority of these submarines are new construction and their number has multiplied severalfold within the past 6 years.
>
> Units of this combined Communist submarine fleet can be supported from bases stretching from the Bering Strait, just a few miles from the new State of Alaska, to Hainan Island in the South China Sea. Some conventionally powered Communist submarines can operate unrefueled along the entire coastline of North America to the Panama Canal, the Hawaiian Islands, Indonesia, and Australia, and well into the Indian Ocean.

Elsewhere in his article Admiral Thach observes:

> The size of the Soviet submarine force has been well publicized. This can and has been used to intimidate other nations of the world in international dealings. In the Far East this factor takes on added significance when one realizes that there are many friendly nations which have no appreciable antisubmarine warfare capability. In contrast, the powerful submarine forces of the Sino-Soviet bloc are sitting on the doorstep of Japan, Taiwan, the Philippines, and in fact, all southeast Asia.
>
> These countries are well aware of this, and they are also conscious of their economic dependence upon the U.S. ability to maintain freedom of the seas—a freedom which the Soviet submarine force threatens.
>
> We must visibly demonstrate our ability to cope with this submarine threat now, in order to assure free world nations of the security of their ocean commerce and of our continued ability to project our strength overseas in their interests.

Madam President, what, I ask, will be the reaction in these countries should this Congress fail to support a modest program of balance oceanographic research?

The program, as has been pointed out by nearly everyone, is needed to cope with the problems in the defense field to meet the Soviet threat.

I assure Senators that in these countries—in southeast Asia, in Africa, in the Near East and the Mideast and in the islands of the Pacific—the people know about oceanographic research and its goals. How do they know?

They have been told by Russian scientists, by Soviet scientists visiting their ports, however remote, arriving in their 3,000-, 5,000-, and 12,000-ton spick-and-span oceanographic research ships.

The 12,000-ton OB has visited the ports of the Antipodes, the South Pacific and the West Coast of Africa. The *Lomonosov*, of 5,960 tons, new, and with ultramodern equipment, has been working out of Dakar and other African ports.

Madam President, we speak about lags. We do not even have a nonmagnetic research ship: the *Zarya*, world's only nonmagnetic research ship is now completing a world cruise.

Mr. LAUSCHE. Madam President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. LAUSCHE. If the bill in its purpose is so vital to our national defense, will the Senator explain how it is that the Department of Defense in its letter of May 26, 1961, specifically stated:

> The Department is opposed to the enactment of S. 901 for the reasons stated in the subsequent paragraphs.

Mr. MAGNUSON. If the Senator from Ohio will read the reasons, he will find the answer to his question. I believe I made this statement yesterday, time and time again. In the first place, the Navy Hydrographic Service is doing some of these things, and they wish to keep on doing them. It is within their own department, they suggest. They do not have any objection to a program; they merely say, in effect, without reading the entire statement, which is in the RECORD, that they do not think it is necessary because they plan to go ahead with the program within the Navy. But others on the outside, including the two admirals in charge of submarine defense, have said that we must go beyond what the Navy can do.

I do not know whether the Senator was present when I read quotations from the article about the problem of sonar detection in the vast oceans in which the Soviet fleet has appeared.

Such activity must be undertaken by scientists, outside people, and universities. This is what the witnesses testified a program such as is envisioned in S. 901 would accomplish.

The concern of the Department—and their statements have been very mild, I suggest—has been not with the objectives of the bill in this entire field, which affects the Navy and the antisubmarine underwater warfare program, but the fact that the Navy Department is undertaking hydrographic work. The Navy Department has a hydrographic division and does a great deal of the work. The proposed program would not affect them at all. They would continue what they are doing.

Mr. LAUSCHE. I have difficulty in accepting as valid the argument of the Senator from Washington that the service is indispensable for our national defense, when responsible officers of the military and the Department of Defense have said, "We oppose the bill." In the letter the statement appears, "If the bill is passed, it will create confusion, duplication, and disorder."

Mr. MAGNUSON. I entirely disagree with that. I am not making the argument. I am quoting from the two admirals in charge of the Pacific and Atlantic antisubmarine defense of our country. Those statements were made as recently as the date of the report. I will discuss the agency reports. I want the record to be clear on this matter. The Senator from Ohio realizes that every one of the 16 departments is doing some of this work, and they do not want anyone else to encroach upon their little empires. I have gone through that kind of thing for 25 years. They do not want Congress to have anything to do with it. When the Academy of Sciences made the report to the departments at their suggestion, they completely ignored the report. They had asked the Academy what it thought should be done. When they were told what the minimum program should be, they got together and said among themselves, "We might be swallowed up by another department. We do not want anything to do with it. We do not want Congress to pass upon it."

Mr. LAUSCHE. I could give credence to that argument if I were not confronted by the statement of the Atomic Energy Commission, which deals with scientists, and the National Science Foundation.

Mr. MAGNUSON. Part of them, and part of them were members of the advisory committee of the National Academy of Sciences, which made the report.

Mr. LAUSCHE. But they do not support the pending bill.

Mr. MAGNUSON. I do not know of a department that does not support the objective of the bill. They say, "We support the objective. All these things are needed. However, we would like to keep doing it ourselves without any program. We would like to do it separately. We do not want Congress to give us a directive. We do not want outside scientists coming in and giving us directives."

Mr. LAUSCHE. Is it not a fact that they will work the same way under the bill, except that it will be a 10-year program, envisioning an expenditure of $750 million?

Mr. MAGNUSON. That is correct.

Mr. LAUSCHE. But the operation will be identical except for the creation of the commission.

Mr. MAGNUSON. A commission of correlation.

Mr. LAUSCHE. But that commission now exists, according to the letters in the report.

Mr. MAGNUSON. The departments have an interdepartmental agency. They are running the show themselves. I do not know of any other maritime nation in the world that does not do it this way. In fact, the greatest maritime nation in the world, which has been in oceanographic work longer than anyone else, Great Britain, has exactly the same system as this. They have three men from the Government, and four men on the outside from the Royal Academy, and the oceanographic work in the universities, and they produce a program. That is what we do in space. That is what we finally came to in space. I know that well, being a member of the subcommittee ever since it was inaugurated. I handled the appropriations for that committee in the Senate.

Mr. LAUSCHE. May I ask the Senator another question?

Mr. MAGNUSON. I yield.

Mr. LAUSCHE. Except for the bill containing about 35 open end authorizations to spend money, and authorizing a 10-year program, the situation will not be changed except insofar as the Appropriations Committee might limit it.

Mr. MAGNUSON. Or the Bureau of the Budget.

Mr. LAUSCHE. Except for the creation of this commission in the Atomic Energy Commission, to deal with maritime work, how does the bill change the program?

Mr. MAGNUSON. It changes the program for the simple reason that now it goes on from year to year. Sometimes it is up and sometimes it is down. In many cases there is a great duplication. In some cases there is waste, which is understandable when we deal with scientific fields. In many cases the departments in this field do not have the men who are qualified to deal with these problems. In some instances they cannot get them. In other instances, they do not have them at all.

It would change the program also by allowing some great universities who are doing work in this field all over the United States, and private institutions like the one at Woods Hole and Scripps to go ahead. They would be helped by this program. It would also help Admiral Taylor. The big problem in antisubmarine warfare is the production of hardware. That hardware is not developed in the Department. It is developed perhaps at La Jolla, or over at Johns Hopkins, or wherever there is a little division. Otherwise, we can confine all this work and all of this program, which everybody says is needed to the departments, to have them do it individually. They have an interagency committee under Wakelin. It has shown some signs of life. However, Wakelin will not be there all the time.

They are lucky to have him.

Mr. LAUSCHE. May I read at this time——

Mr. MAGNUSON. I will cover every agency. I have them in my prepared remarks. I will take them up agency by agency.

Mr. LAUSCHE. I refer to page 95 of the report of the committee. I note the letter printed on that page. It comes from the Department of the Navy. It says:

> The bill proposes to establish a division of marine sciences in the National Science Foundation in which an interagency committee would be formed to develop and encourage a continuing national policy and program for the promotion of the marine sciences. There is already in existence an interagency committee on oceanography established in 1960 by the Federal Council for Science and Technology.

Mr. MAGNUSON. That is correct.

Mr. LAUSCHE. The Senator will deal with this matter, I suppose.

Mr. MAGNUSON. Yes; I will put it all in the RECORD. Does the Senator know why that committee was established in 1960?

Mr. LAUSCHE. Because of the hearing?

Mr. MAGNUSON. Because of the hearing on the bill. For all these years they did nothing. Now they say, "We will establish a committee, and we are all working on it; therefore we do not need any legislation. We do not want the Congress to bother us. We do not want the outside people. We want to do all this within our own little governmental agencies." What we need here is a correlated plan. The departments give us good advice. Sometimes the advice is rather stale. We change the heads of the departments, but when they come before our committees, the same old crew writes the answers to give to the top man. I have had the experience of a Secretary of a department not even knowing that he had signed a letter. He had so many to sign. It is the same old crowd that gives the same answers. If, in all the years I have been in the Senate, we have followed all their advice on bills, I would not consider my service worthy of a straw. The only fresh ideas that have developed have come about by reason of the fact that we went beyond the departments. If we were to follow their advice exclusively, we might as well go home. We might as well adjourn. That is what I would like to do this weekend, if we could, or next weekend. We could let the departments decide what bills should be passed, and they could submit them in January. We do take their advice. There are some good men down there. However, they do not have the collective foresight to do the things that are needed to be done in this new world. Let us face it.

Mr. LAUSCHE. I would be willing to give credit to what the Senator has said——

Mr. MAGNUSON. The Senator will note that I used the phrase "collective foresight."

Mr. LAUSCHE. However, when the Secretary of the Treasury says the bill is wrong, when the Executive Office of the President, through the Office of Civil and Defense Mobilization, says it is wrong——

Mr. MAGNUSON. Oh, brother!

Mr. LAUSCHE. When the National Science Foundation says it is wrong, when the Department of the Navy says it is wrong——

Mr. MAGNUSON. Madam President, I yielded for a question.

Mr. LAUSCHE. When the Department of the Interior says the bill is wrong——

Mr. MAGNUSON. I will cover all that.

Mr. LAUSCHE. When the Secretary of Commerce says the bill is all wrong, and when I know that Congress indulges in duplication and in wasteful spending, I cannot yield to the argument made by the Senator from Washington.

Mr. MAGNUSON. That is the Senator's privilege. I surely have no objection to his not yielding to my argument. He seldom does. So that is no news to me.

Mr. LAUSCHE. That is a fact. I very seldom do, because I believe in saving taxpayers' money and not wasting it.

Mr. MAGNUSON. Does the Senator from Ohio suggest that I do not believe in that too?

Mr. LAUSCHE. There is duplication in the bill. Every responsible agency connected with these activities says it should not be passed.

Mr. MAGNUSON. They say they agree with the purposes of the bill, but they want to retain the activities themselves.

Mr. LAUSCHE. There may be strength in that argument.

Mr. MAGNUSON. If the Senator from Ohio wishes to leave the situation as it is, I think there will be nothing but duplication in conducting the programs which the defense people say are vitally needed for the survival of our Nation.

I was the author of the bill which established the National Science Foundation. This is how it got started: An eminent scientist, Dr. Vannevar Bush, who is a friend of mine, came to me right after the war, and in our conversation he posed the Russian scientific threat. He said:

> The United States has now had 7 years of drought in scientific research, because during

the war we called all our young men into the armed services. It did not make any difference whether they were scientists or not.

The Russians did not do that. They continued their scientific research. We must now correlate our scientific activities in a Government program under Government direction.

So Vannevar Bush wrote the bill to establish the National Science Foundation, and I introduced it. I may have incorporated some legislative language with which he was not familiar.

Hearings were held on the bill. Every Government agency concerned was asked to submit its views. Every one of those agencies opposed it. They said, "We can do these things separately."

The result was that we fooled around with the proposal for 2 more years, so that made 9 years of drought. Now we are reaping the harvest.

But today, no one would vote against funds for the National Science Foundation. When the first appropriation was considered, it was proposed to spend $9 million. We were told that the country could not afford it. I think we compromised and got $7 million or $8 million, in order to start the program.

This year we have provided $900 million, because everyone thinks that amount is necessary.

Now it is proposed to spend $1,700 million for scientific research in space. I favor that. I have played a great part in these programs. Now I am asking for a piddling amount for a project which everyone except those in the departments, who do not think any further than this, believes is worth while. All we are told by the departments is, "We favor the broad objectives of the bill." It sounds like a Republican convention. [Laughter.]

Mr. LAUSCHE. Mr. President, will the Senator permit me to comment on his last thought?

Mr. MAGNUSON. The Senator from Ohio voted in committee for the foreign aid bill, but with reservations, I suspect.

Mr. LAUSCHE. Yes; I voted to reduce the amount, and I shall offer amendments to reduce the amount wherever I think the amounts in the bill are wrong.

Mr. MAGNUSON. I shall, too. Does the Senator know how a part of the foreign-aid money will be spent? It will be spent for oceanography research in the recipient countries. That is fine; I favor it.

Mr. LAUSCHE. Will the Senator from Washington allow me to comment on his last statement?

Mr. MAGNUSON. Yes.

Mr. LAUSCHE. At this session of Congress a number of bills are pending for the creation of new departments. Ten years ago a study was made by the Governors' conference, in which it was stated that there was a multiplication of departments in the Federal and State Governments. Now the time has come when Government operation should be streamlined and the creation of new departments stopped.

My experience in the 4 years I have been a Member of the Senate has been that whenever someone conceives of a thought to create a new department, it is the signal to begin building up personnel. Half a dozen bills are now pending for the creation of new departments. That means bureaucracy. It means new employees and a wasting of the taxpayers' money. All such waste could be avoided if there were not a duplication of the work.

Mr. MAGNUSON. That is exactly what I am complaining about. The bill will correlate these activities.

Mr. LONG of Louisiana. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. LONG of Louisiana. Since a discussion has taken place on the position taken by the departments, has the Senator, in his experience of almost 20 years in this body, found it to be true that whenever the people in the departments comment on a bill, whether it be a good bill or a bad bill, we can usually depend on their saying that they do not like it? Oftentimes we act without the recommendation of a single department, and many times, after we have acted, the departments agree with us and admit that it is a good act, even though it was passed over their objection.

Mr. MAGNUSON. Yes. If someone would research the question, I believe it would be found as to most pieces of legislation which are now considered as having contributed to broad advances in this country in the scientific field or other fields, such as social security and other humane legislation, that in the beginning most people favored the status quo. They opposed the new program, saying they did not think it was necessary.

In this instance, no one has actually opposed the bill; it is simply said that it is not believed to be necessary. In effect, that is what we have been told. I do not mean that those who oppose the bill are not good people; but they are department people, who do not want to change things.

Madam President, I shall continue with my statement, to show what the Russians have been doing in this field.

The *Zarya* has visited the ports of Africa both on that Dark Continent's west and east coasts, India, and other countries on the Indian Ocean. Recently it arrived at Easter Island off the coast of lower South America.

The newly constructed *Voyeykov* has been cruising in the Red Sea, the Gulf of Aden, and the northern part of the Indian Ocean.

The 5,546-ton *Vitiaz*, which 2 years ago charted the western coast of North America, stopping at Vancouver, British Columbia, and San Francisco, Calif., and then proceeding south to call at Latin American ports, more recently has been engaged in an extended expedition to the Indian Ocean, first calling at Indonesian ports and later those of India.

Wherever the sleek, white Soviet research ships go they visit the principal seaports, hold open house for not only scientists but the general public and officials, particularly the officials; and, from all accounts received impress their guests with their eminence in oceanography.

Mass receptions on board their research ships have been held in such places as the Fiji Islands, Madagascar, and Jakarta, Indonesia. Not only does the United States have no research ships in these areas; and, if they did have, units of our present oceanographic fleet, the small, aging, weather-beaten U.S. craft would hardly be impressive.

Madam President, the June issue of the magazine News Front contains an interesting article titled "If War Comes, How Will Khrushchev Strike?" The article speculates that while Red armies would attempt to overrun continental Europe. "Red submarines would seek to bar all British-United States help." The article credits Russia with 500 submarines, of which, it states, 14 are equipped to fire surface missiles. It adds that nuclear-powered submarines are believed to be in commission or under construction.

Perhaps the foremost nonmilitary authority on the fleets of all nations is Jane's Fighting Ships, a British publication now in its second century. Many of my colleagues are familiar with its annual issues.

The most recent issue, published early this year, gives considerable attention to the Soviet submarine buildup, and speculates at some length on whether or not Soviet Russia has yet constructed nuclear-powered submarines. I quote from the latest issue of Jane's Fighting Ships:

Although the Soviet Navy is believed to have reduced the total number of submarines from about 500 to 450 units for the time being this is only because she has scrapped or given away old submarines of the smaller and coastal types and is concentrating on the construction of larger and more effective types.

Soviet leaders have said that the Soviet Navy has some nuclear-powered submarines.

In some quarters it is doubted whether these are operational, but this ostrichlike attitude can hardly be reconciled with the success which attended the building and operation of the Soviet nuclear icebreaker *Lenin*, of cruiser size, from which Soviet naval architects, marine engineers and nuclear physicists must have gained the required technical and scientific data for application to submarines.

It is probably wishful thinking to deny the existence of Soviet submarines capable of firing guided missiles. It is obvious that the Soviet navy has the intention of launching guided missiles from submarines for according to the American chief of naval operations the United States has photographs of Soviet submarines which have ballistic missile tubes in them, and it is only commonsense to assume that the U.S.S.R. is working very hard on the missiles themselves.

What is perhaps more open to doubt is whether they can be fired submerged and whether they have a range as long as the Polaris projectile. But it would be unwise to assume, especially in view of Soviet success in astral rocketry, that the U.S.S.R. is any less capable than other nations in the field of hydrodynamic rocketry.

Elsewhere Jane's Fighting Ships states as follows:

There are about 450 effective submarines. Over half are of the large or intermediate oceangoing type. Another large type are reported to be armed with Soviet missiles. More of a medium type are being built.

It is reported that it is intended to build up a four-theater fleet for operation in the Pacific, in the Baltic, in the Arctic, and in the Black Sea.

Some 50 submarines are under construction in Soviet dockyards. These are reported to include seven different types as follows:

1. Nuclear-powered attack type with long range.
2. Nuclear-powered radar picket type with high speed.
3. Large nuclear-powered type with very long range.
4. Large guided-missile type with high speed.
5. Ocean-going patrol type with a long range.
6. Mine-laying type with high speed.
7. Antisubmarine patrol type with a long range.

Seven classes of submarines constructed by Soviet Russia since World War II are listed by Jane's Fighting Ships. They total 273 submarines of which 10 are guided missile type craft.

Red China is reported to have 26 submarines, of which 12 are postwar Russian types; to have 7 to 9 under construction, and to be building 6 to 8 each year in Shanghai and Wuchang shipyards.

What is the role of research in submarine operation and in detection of enemy submarines?

The Committee on Commerce heard much testimony on this. The Navy, in a presentation at hearings on S. 2692, last year's marine sciences and research bill, a bill which passed the Senate without a dissenting voice, made these points:

The world beneath the sea is the operating area of the true submarine. Information about this environment, previously of little consequence to surface ships and aircraft, assumes tremendous importance to the submariner. Although the seas cover three-fourths of the surface of the earth, less than 1 percent of the deep-sea floor has been mapped with any degree of reliability.

The tasks of navigating a submarine at high speed and deep submergence without accurate bottom information can be compared with driving a 10-ton truck on the freeway blindfolded.

The problem of locating and identifying enemy submarines at distances beyond the effective range of their weapons is a difficult one. To date the most effective means of locating and identifying submerged targets is by use of sound techniques, called sonar. These techniques involve echo ranging, that is, bouncing a sound beam off a submerged target, or listening to the noises made by the target.

But in water, sound transmission varies with changes in the temperature, density and salt content of the water. Temperature differences between water layers present the most critical problem, for the sound beam is reflected or refracted to a varying degree.

Once a submerged object has been detected by a sonar beam, the problem becomes one of identification—is it a whale, school of fish, friendly surface ship, or enemy submarine? All give sonar reflection.

In addition, when we listen for target noises we discover that the ocean which has been characterized as a "silent world" is anything but. Actually the ocean is a "liquid jungle." Survival depends upon how well we know this environment, and whether, like Tarzan, we can tell the friendly sounds from the unfriendly ones, the monkeys from the tigers.

Our scientific, economic, and military future may well be locked in the world's oceans. The key to this future lies in study and research in the vast ocean areas.

Although our small corps of oceanographers and supporting scientists have made a good start on an effective oceanographic research program—"making do" with existing equipment—there is an urgent requirement for new equipment and modern facilities.

We need new ships, laboratories, and engineering facilities plus trained manpower.

Madam President, S. 901 authorizes new ships, laboratories, and engineering facilities plus trained manpower. Its purpose is to meet a grave and acknowledged need.

Soviet Russia has supplied her scientists with new ships, new laboratories, and with engineering facilities and training until today it has an oceanographic research fleet larger than that of the entire free world, and more active than the research fleets of all other nations combined.

Soviet Russia also, may I add, has constructed modern research ships for operation on her major lakes, while our own Great Lakes research has been virtually ignored. The number of Soviet professional oceanographers exceeds those of the United States by approximately 60 percent.

Madam President, S. 901 is the only bill before this Congress which would anthorize a national oceanographic program. It is a program based on recommendations of the Committee on Oceanography of the National Academy of Sciences.

That committee, in its chapter on "Oceanographic Research for Defense Applications," states:

In the deadly game of hide-and-seek which competitive navies play in, on and over three-fourths of the surface of the world, the balance toward success and victory will be weighted in favor of the commander with an intimate and personal knowledge of his environment. He must take advantage of each hiding place, each acoustical window, every capricious whim and variation in mood of a neutral but potentially friendly environment.

We can expect great advances in acoustic detection and surveillance systems, in means of using the oceans to monitor nuclear tests, in the accuracy and detail of worldwide, daily, weekly, and monthly weather forecasts, in the use of deep submarines and permanent observation stations to protect our Nation against surprise attack, in arrays of automatic buoys and data analysis systems, and in a multitude of achievable applications now undreamed of.

Yes, we can anticipate these advances if Congress authorizes the program for research tools and training recommended by this group of eminent and distinguished scientists, the program embodied in the pending bill, S. 901.

Madam President, it has been stated that the bill is unnecessary. I have read all the comments in that respect and have placed in the RECORD what the departments have said about the bill.

The question has been asked, Why should S. 901 be enacted when several agencies comment that no legislation is necessary?

I have read the comments. I also have read the comments of the 76 scientists whose testimony or communications are published in the hearings on S. 901, and the comments of executives of major industries and organizations. They advocate and support this legislation as necessary if we are to have an effective, continuing program.

The three agency comments which state legislation is unnecessary are from Government officials not one of whom is a scientist, or has had marine experience or responsibilities. Which is right?

If we take the view that increasing our scientific knowledge of the oceans and the Great Lakes is unnecessary, then perhaps we can agree with the agency comments. If we believe that scientific advancement is necessary, as I do, we will accept the judgment of the Nation's top marine scientists, and of industry and association executives.

If adequate defense against the greatest submarine menace in history is necessary; if salvaging our declining Atlantic, Pacific, gulf, and Great Lakes fisheries is necessary; if increased knowledge about climate and weather is necessary; if protection against contamination of our lakes and the adjacent seas by radioactive and other wastes is necessary; then a long-range, coordinated program of oceanographic and Great Lakes research is necessary and legislation to authorize such a program is necessary.

Of course, if we are content to take a back seat to Soviet Russia in marine research as we are doing now, then S. 901 is probably unnecessary. But I am not ready to risk our Nation being caught napping in the oceanographic field as we were caught napping in the space sciences when Russia launched her sputnik.

We are now spending more than a billion dollars a year—$1,700 million—in an effort to catch up with Russia in outer space and I am happy that this effort is being made. To match the massive Soviet effort in exploring inner space—the oceans—will cost under this program less than that over a period of 10 years. And without a unified, national program such as proposed in S. 901 it will never be accomplished at any cost.

Without the program envisioned in S. 901 I am convinced we will continue to muddle along from year to year with a few, half-starved agency programs scattered here and there in the back corridors of huge departments and subject to the whims of busy Secretaries or unsympathetic Budget Bureau accountants. That is what we have been doing for the past 100 years in oceanography while other nations have been moving ahead with national programs.

Why? They have done so because their scientists have urged the necessity of oceanographic research by these countries and their governments have heeded their counsels.

Soviet scientists consider oceanographic research necessary for Soviet Russia. British scientists hold such research necessary for Britain. Canadian scientists say oceanographic research and Great Lakes research is necessary for Canada.

The governments have agreed and today are conducting national oceanographic programs. If these countries and if even smaller countries such as Denmark and New Zealand, on the advice of

their scientists, consider national oceanographic programs to be necessary then such a program should be even more necessary for the Nation which has accepted leadership of the free world—our own United States.

I wish to speak now about open-end appropriations. It is true that S. 901 places no limitation on some agency programs. The Bureau of Commercial Fisheries contracts for some of its ships, for some laboratories, and for weather research. The Department of Health, Education, and Welfare; the naval shipbuilding program; laboratory construction in the National Institutes of Health. We could not place any limitations on those program authorizations. They come to Congress, which considers the requests and appropriates for them. We have not discovered any particular limitation or authorization which exists with respect to education, atomic research, monitoring done by the Federal Communications Commission, naval research in the hydrographic field, and all those items. But those agencies come to Congress every year for an appropriation. S. 901 places a 10-year limitation on some of the programs. We place a 10-year limitation on the National Science ship research program, the laboratory construction program, and the basic research program.

As all of us know, this bill is not an appropriation bill; it is an authorization bill. It does not change the present broad authorizations of any department or agency of the Government.

As I said yesterday, conceivably the Navy could ask for a billion dollars for sonar research; the Navy has the authorization for it, if it wishes to use it. But I suggest that this method will have a strong tendency to eliminate waste and duplication, and it will provide us with a goal.

So, Madam President, I submit a statement on open-end appropriations and ask that it be printed in the RECORD.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

There has been criticism that S. 901 places no limitations on some agency programs (BCF contracts, grants, ships, laboratories; Weather Bureau, HEW except education; Navy ship, laboratory construction); only annual limitations on some others (NSF instrumentation; BCF operations; HEW education; AEC research, monitoring; Navy research ship operations); but does place 10-year limitations on some programs (NSF ship, laboratory construction, basic research).

The answer is that S. 901 is not an appropriation bill. It is an authorization bill. The purpose of the bill is to authorize a coordinated, long-range, balanced program of oceanographic and Great Lakes research.

Section 2, the declaration of policy states: "The Congress further declares that sound national policy requires that the United States not be excelled in the fields of oceanographic research, basic, military, or applied."

There was no objection to this policy when the Senate last year passed S. 2692 containing the identical declaration of policy.

There was no objection when the Senate in 1959 approved Senate Resolution 136, which in effect said the same thing. Surely there can be no objection to a declaration that this Nation not be excelled in oceanographic research by any nation which may now or in the future threaten us.

Now, if we meant what we said last year and the year before that we do not propose to be excelled by such a nation, our authorization of a program must be broad enough to be adapted to what the other nation may do.

We don't know how big a program Soviet Russia contemplates in this field in the next 10 years. We do know that they have far outdistanced us in ship construction, manpower training, and oceanographic research operations in the past 10 years.

The authorizations in this bill must be left open enough to enable future Congresses through the customary appropriations procedures, to measure national needs for oceanographic research.

We have kept our oceanographic research efforts in a straitjacket too long. The Coast Guard has 347 ships of which more than half are adapted to some types of oceanographic research. But it has had no statutory authority to conduct such research except in connection with the ice patrol and only two ships are scheduled to do any oceanographic research during fiscal 1962—two out of 347.

The Geological Survey has no statutory authority to conduct oceanographic research although the geologic structure of the ocean bottom assumes great importance in relation to antisubmarine warfare.

S. 901 would use the services of these two fine agencies in the national 10-year program.

What S. 901 does is authorize a program of oceanographic and Great Lakes research.

Section 2 states that the program shall be similar or identical to that recommended as a minimal program by the Committee on Oceanography of the National Academy of Sciences. May I emphasize the word "minimal."

This minimal program which S. 901 would authorize calls for:

1. A 10-year program.
2. A coordinated program.
3. A balanced program.

Thus it would be a national program, not an aggregation of little, inadequate agency programs such as we have now. Critics of this bill would be on firmer ground in my opinion if they were to criticize the minimal nature of this program. Actually, at the end of 10 years, if all the ships and laboratories authorized in this bill were constructed, and all the oceanographers provided in the bill were trained, we would only begin to approach the research facilities that Soviet Russia has right now.

Assuming that Soviet Russia built no new research ships at all and that all the ships authorized in S. 901 were constructed, we would be outnumbered at the end of the 10-year program—Soviet Russia 145 to 150 ships, United States 119 ships.

That assumes not only that Soviet Russia builds no new ships at all, but also that none of our own ships presently in operation, some of them more than 30 years old, are replaced by the 61 new ships authorized in S. 901.

In other words our only hope in matching Soviet Russia's oceanographic research strength is to leave a few "open ends" which, should the occasion require, future Congresses and future Appropriations Committees can adjust the program to meet our national requirements and needs.

Criticism of "open end appropriations" in this authorization bill indicates to me a lack of full confidence in the Appropriations Committees of this and future Congresses. The Appropriations Committee are going to have to approve any expenditures of funds for oceanographic and Great Lakes research. They are going to weigh the needs each year, and they are going to be demanding of complete justifications for expenditures. They can certainly do this more readily if there is a balanced, coordinated national program to consider instead of the plethora of disparite agency programs which make it very difficult to check possible duplications or waste.

A national oceanographic and Great Lakes research program, such as is authorized in S. 901, will assure, Mr. President, not only a more efficient program, but a program from which the Nation will reap maximum benefits for every dollar spent, a program not only sound but in the interests of economy.

Mr. MAGNUSON. Madam President, I have a long statement on the so-called agency opposition. I shall read only part of the statement to the Senate, but I shall submit the entire statement for printing in the RECORD.

Madam President, the Government agencies themselves have recognized the need for scientific evaluation. They recognized that several years ago, when four of them, later joined by a fifth, asked the National Academy of Sciences to review and appraise the oceanographic research activities of the various agencies.

The committee recommended a national program, a 10-year coordinated program, and it submitted this program to the Congress, as well as to the sponsoring Government agencies.

Senate bill 901 again seeks to carry out the recommendations of this unbiased, nonpartisan, nonpolitical, non-Government body of distinguished scientists, in their report made nearly 2½ years ago.

The Committee on Oceanography 2½ years ago recommended construction of 70 new research and survey ships over a period of 10 years, to replace small, obsolete, ancient craft in operation.

They recommended that two of these ships be placed in operation during 1960, by the Navy, one by the National Science Foundation, and one by the Maritime Administration. But no new ships were placed in operation by any Government agency in 1960.

The Committee recommended that six new Navy research ships be placed in operation in 1961, two new Coast and Geodetic Survey ships, two new fisheries research ships, and one new research ship to be built by the Maritime Administration.

That is a total of 15 new ships to have been put in operation during a 2-year period, of which 8 were to be small, displacing 500 tons, and 7 of medium size, displacing 1,200 to 1,500 tons.

How many actually have been placed in operation 30 months after the Committee on Oceanography made its recommendations? The answer is one—only one. This is a small, 80-foot boat, displacing 152 tons, or about one-thirtieth the size of Russian research ships; and it is the first new research ship constructed in the United States since the 298-ton *Atlantis* in 1931.

So, Madam President, during the 30-year period in which we have left these matters up to the departments and agencies, only one new ship has been built. Yet some persons ask about "agency opposition."

Madam President, I wish to submit this material for printing in the RECORD. It contains some very startling examples of the attitude of the agencies. It is true that in the last year they have started to do something in this field. But if Congress had not gotten busy with it, that would not have happened. So the agency operations are, really "as usual."

Madam President, I ask unanimous consent to have the statement printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AGENCY OPPOSITION

The question has been asked: How do you explain agency opposition to S. 901?

My answer is that there is no opposition to any of the purposes of S. 901. The only opposition I can find in the agency comments is to Congress spelling out in legislation what the various agencies should do and how they should coordinate their oceanographic and Great Lakes research in the interest of efficiency and economy.

That is a function of the Congress, a constitutional function by the way, that agencies in the executive branch sometimes seem reluctant to accept.

There is, in fact, general concurrence in the objectives of S. 901. The Department of the Navy states, and I quote its comments, that it "subscribes to the objectives of the bill."

The National Science Foundation states, "we are in complete accord with the objectives of S. 901 which is aimed at assuring that the United States has a strong national oceanographic program."

The Department of the Interior states, "we concur in the general objects of this bill."

The Atomic Energy Commission states that it is, "in accord with the purposes and intent of the proposed legislation."

True, the comments go on to say that they already are conducting research, or that they consider their authority adequate.

What this boils down to is that the agencies prefer to go their own way in this field of research, as they have been doing, without planning, evaluation, or guidance by the Congress.

The National Science Foundation, as an example, states in effect that it is doing an excellent job in oceanographic research without congressional guidance, and have even employed an oceanographer on its staff.

How good a job the Foundation is doing is a matter of opinion, but there is no doubt that it can do a better job, and under the authorizations of S. 901 I am confident it would do a better job, which is what this Nation—and I think the Congress—wants.

The Department of the Navy states, "The Department of Defense subscribes to the objectives of this bill and indeed recognizes the salutary effect which congressional inquiry into the state of the marine sciences has in this area by its emphasis on oceanography as a program required in the national interest."

Then it states, in effect, that legislation is not needed because an interagency Committee on Oceanography develops an annual program. The interagency Committee, which is headed by an Assistant Secretary of the Navy, is composed of administrative officials of seven Government agencies who advise the Federal Council of Science and Technology. The Council is an executive creation and the Committee is a Council creation. Neither are responsive to the Congress.

Within its limited and distinctive sphere, I think that the interagency Committee of high Government officials is a proper and useful group. I think it can be very helpful in advising the President, which is what it was set up to do. But it does not advise the Congress and in the past even much of its advice to the White House has gone unheeded. At present the interagency Committee has projected a program for fiscal 1962, but nothing beyond that of which I have any knowledge.

Whatever may be accomplished by this administrative group—and I wish it every success—something more than an evaluation by top agency officials is needed. Scientific evaluation is needed, in my opinion, if we are to keep pace with other countries in oceanographic research, and this evaluation should and must be available to the Congress which authorizes and appropriates the funds which sustain all research.

S. 901 is based on a scientific evaluation by scientists, not on an evaluation by executives of agencies or bureaus who are primarily concerned with their own direct responsibilities, many of which are unrelated to scientific research. S. 901, furthermore, is based on the Nation's scientific needs in this important field, not merely of today, or of fiscal 1962, but the needs and the program to meet these needs over the next 10 years, the period that will probably be required to construct the facilities and train the manpower to meet Soviet Russia's challenge in oceanographic research.

Government agencies themselves recognized the need for scientific evaluation several years ago when four of them, later joined by a fifth, asked the National Academy of Sciences to review and appraise the oceanographic research activities of the various agencies.

The agencies making this request were the Office of Naval Research, Bureau of Commercial Fisheries, National Science Foundation, and Atomic Energy Commission, followed by the Coast and Geodetic Survey.

Not only did these agencies request an evaluation by scientists but a report of findings and recommendations as to research and survey needs in this vital field.

Twelve distinguished scientists, physicists, biologists, chemists, meteorologists, were appointed by the National Academy to serve as a committee on oceanography. None of these scientists are connected with the Government. The committee, in turn, recruited some 40 other scientists of prominence from institutions throughout the country, specialists in such fields as ocean and Great Lakes fisheries and other resources, radioactive waste disposal, new devices, and acoustics, and named these scientists to special panels.

The committee was and is a dedicated group, nonpartisan and nonpolitical, independent, and objective.

The committee on oceanography made extensive studies and investigations and visited all agencies and most of the Nation's marine laboratories. It prepared a 12-chapter report detailing the woeful inadequacy of our marine research and facilities, and recommended in this report a 10-year program of expanded marine research, surveys, and training.

Now, what was supposed to be the result of all this effort and study?

Was the committee expected to wind up its survey, report its findings to the sponsoring agencies, and then return quietly to the respective institutions of its members, which was what two previous similar committees have done?

Was it expected to leave its recommendations with the various agencies to be acted on or not, subject to the whims or inclinations of agency officials?

Or was it expected that if an agency did act it would act independently and without relation to other agencies or to what was being done by other nations?

From some of these agency comments it would appear that that was the expectation. It was not the intention of the National Academy or of the committee on oceanography, however. The committee recommended not a one-agency program, or a group of agency programs. It recommended a national program, a 10-year coordinated program, and it submitted this program to the Congress as well as to the sponsoring Government agencies.

The Senate, on June 22, 1959, adopted S. Res. 136 commending the report and concurring in its recommendations.

The Senate, on June 23, 1960, passed S. 2692, the predecessor bill to S. 901, but the House of Representatives failed to act on S. 2692.

S. 901 again seeks to carry out the recommendations of this unbiased, nonpartisan, nonpolitical, nongovernment body of distinguished scientists in their report made nearly 2½ years ago.

Meanwhile Soviet Russia has moved ahead with its oceanographic program. Canada has inaugurated a comprehensive, long-range oceanographic program. Great Britain is proceeding with her national oceanographic program headed by a council which includes her most distinguished oceanographic scientists.

The committee on oceanography 2½ years ago recommended construction of 70 new research and survey ships over a period of 10 years to replace small, obsolete, ancient craft in operation.

They recommended that two of these ships be placed in operation during 1960, by the Navy, one by the National Science Foundation, and one by the Maritime Administration. No new ships were placed in operation by any Government agency in 1960.

The committee recommended that six new Navy research ships be placed in operation in 1961, two new Coast and Geodetic Survey ships, two new fisheries research ships, and one new research ship to be built by the Maritime Administration.

That is a total of 15 new ships to have been put in operation during a 2-year period, of which 8 were to be small, displacing 500 tons, and 7 of medium size, displacing 1,200 to 1,500 tons.

How many actually have been placed in operation 30 months after the Committee on Oceanography made its recommendations?

The answer is one.

I repeat—one.

This is a small 80-foot boat displacing 152 tons, or about one-thirtieth the size of Russian research ships, and it is the first new research ship constructed in the United States since the 298-ton *Atlantis* in 1931.

Soviet Russia during the same 2-year period has constructed four new research ships, two of 3,600 tons and two of 5,000 tons, and has them in operation on the high seas. A fifth ship, of 3,950 tons, is nearing completion. The Russians already had seven research ships ranging from 3,000 to 12,000 tons before the five mentioned above were even started.

The largest research ship we have displaces 2,079 tons and is a converted naval auxiliary craft built during World War II.

S. 901 will, for the first time in the Nation's history, establish statutory authority for a national oceanographic and Great Lakes research program.

In the absence of such authority this Nation has not had such a program: Does not have such a program now.

With the enactment of S. 901 there will be authority for such a program.

Agencies in our Government who recognize the urgency of expanding their oceanographic and Great Lakes research will have the support and backing of Congress in their endeavors.

Universities, laboratories and institutions throughout the Nation wishing to cooperate with our Government in advancing the marine sciences will have the support and backing of the Congress.

Industries and individual scientists wishing to contribute to the Nation's strength

on, in, and under the oceans and the Great Lakes will have the support and backing of the Congress.

Congressional enactment of S. 901 will give support to constructive proposals and recommendations of the interagency committee of high department officials and to the respective agencies they serve.

Enactment of S. 901 will express the wishes of the people of this Nation, enhance their security and welfare and increase their economic resources.

From every part of the Nation have come scores of letters supporting this legislation. To me this comment from the people who Congress represents is as important and significant as some of the agency comments which in no instance expressed the convictions of the scientists in those agencies.

As I stated before there is no agency opposition to the purposes or objectives of S. 901. The only opposition is to Congress carrying out the wishes of the people and the scientists in a field the agencies have heretofore neglected and which is vital to the Nation.

Mr. ELLENDER. Madam President, will the Senator from Washington yield for a question?

Mr. MAGNUSON. I yield.

Mr. ELLENDER. Does the bill authorize any new programs, or does it merely consolidate the various programs of the departments and agencies?

Mr. MAGNUSON. It consolidates them. The bill does not propose an added appropriation. It is to authorize a substitute for next year's appropriations, now scattered among 16 different departments or agencies.

Mr. ELLENDER. If the bill is enacted, to what extent will there be savings?

Mr. MAGNUSON. Savings will result from the fact that then there will be a program, and no duplication, and at least we shall have our sights set on a definite, continuing program—similar to the program for the space agency or the program in the field of health.

Mr. ELLENDER. The Senator from Washington has referred to opposition from various agencies. Does he mean the Department of Defense?

Mr. MAGNUSON. In effect, they say the bill is not necessary. In the statement I have submitted, for printing in the RECORD, their positions are set forth.

Mr. ELLENDER. Yes.

Mr. MAGNUSON. Madam President, I ask unanimous consent to have printed at this point in the RECORD a statement of answers to possible objections under the category "Adequate Authority," and some answers to possible inquiries as to cost and benefits, including the use of the funds and recommendations of minimum amounts, in comparison with some of the funds now being spent in this field by the 16 different agencies and departments.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

ADEQUATE AUTHORITY

The question has been raised: Why do we need S. 901 when some agencies in their comments say they already have adequate authority for marine research?

May I, in reply, ask: If these agencies have adequate authority why do we not now have an adequate oceanographic or Great Lakes research program? Why are we being surpassed by Soviet Russia in numbers, tonnage, and quality of research ships, scientific manpower, and operational activities?

The answer is that we have not had and do not have now a national oceanographic program, or a national Great Lakes program. Hearings on S. 901 contain voluminous testimony on our lag in marine research. President Kennedy has referred repeatedly to our neglect of oceanography.

Canada, Britain, Japan, Australia, and many other maritime nations have national programs, and Soviet Russia the most massive of all.

The United States in contrast has some 15 or 16 small agency programs carried on under numerous separate legislative authorizations. Each authority that any of these agencies have is limited authority, limited in scope and limited to the agency to which it applies.

Since the Committee on Commerce commenced its inquiry into the status of marine science in the United States it has discovered agencies with no authority at all or authority so restricted that it could conduct oceanographic research only in a certain area.

First it found that the Coast and Geodetic Survey could not operate outside the Continental Shelf. It corrected that restriction with special legislation.

Then the committee discovered that the Coast Guard, with scores of ships, had no authority to conduct oceanographic research except in connection with the ice patrol. S. 901 would correct that, as also does S. 1189 passed by the Senate.

Further it discovered that the geological survey cannot conduct oceanographic research because it is limited to the national domain. S. 901 would correct that lack of authority.

Yet a year ago, when the Senate considered—and passed—S. 2692, the predecessor bill to S. 901, the agency comments—or rather the department comments—were that there was ample authority to conduct oceanographic research.

The Committee on Commerce takes the position that something more is needed than merely a permissive authority to agencies to do something they have not been doing, or if they have been doing it at all, have been doing it inadequately.

What is needed is general legislative guidance—a basic, sound, comprehensive overall authority for a balanced national program of oceanographic and Great Lakes research, a program that Congress can encourage and assist and, if necessary, check on. That is what S. 901 would provide.

Certainly that should be preferable to the scattered, dispersed multiplicity of uncoordinated agency programs which we have now.

I also have been asked repeatedly: What will the program cost?

In answering that question I would like first to outline briefly what the funds authorized in S. 901 will buy over a period of 10 years, the life of the national program of oceanographic and Great Lakes research projected in this bill.

First it will buy 61 research and survey ships to compete with Soviet Russia's 150 research and survey ships. None of these new American ships will be as large as the recent Soviet research vessels, but we expect to compensate for that with better scientists and instruments. The new American ships are necessary to replace the small, aging, obsolete craft we now are operating.

Second, funds authorized in S. 901 will buy laboratory facilities, most of which are over a quarter-century old, and all of which are greatly overcrowded.

Third, the funds authorized will buy education and training in the marine sciences at the Nation's oceanographic institutions and universities with the aim of ultimately overcoming Soviet Russia's great preponderance of scientific manpower.

Fourth, they will buy knowledge of the ocean depths which the Committee on Commerce has been told is vitally needed for antisubmarine warfare and detection of enemy submarines and for our own efficient submarine navigation.

Fifth, they will buy scientific and economic studies designed to revitalize our dwindling fisheries industry, both in the oceans and in the Great Lakes. Value of the latter, for example, has shrunk by almost half since World War II.

Sixth, the funds authorized in S. 901 will buy investigations of sea-air interaction that affect our climate throughout the Nation, and facilitate early predictions of storms and hurricanes, and of long-range forecasts of major climatic changes.

Seventh, they will buy knowledge that we need of contamination of the oceans by atomic wastes and of pollution of inshore, estuarine, and Great Lakes waters by other wastes. This knowledge will result in benefits to the health and welfare of the Nation.

Eighth, funds authorized in S. 901 will buy scientific knowledge of the minerals and fossil fuels which lie beneath the bottoms of the oceans and of the Great Lakes.

Ninth, they will buy increased protection for beach and shore properties.

Tenth, they will buy new prestige for the Nation's marine scientists among scientists of other free nations of the world. The esteem of our American scientists presently is being obscured by the exploits of Soviet oceanographers cruising in all oceans in trim, large, well-equipped oceanographic research ships and obtaining data in areas of the ocean which our own ships have never reached.

The cost of the 10-year program which would be authorized in S. 901 approximates $700 million for the 10 years, or an average of $70 million annually. This includes the costs for all the activities I have mentioned above and some not mentioned.

The program authorized in the bill embraces marine research and survey activities in 6 departments, 3 independent agencies, and 15 bureaus, offices, and services.

The committee has received some criticism that these authorizations are too low and should be tripled or at least doubled. They are, however, the authorizations recommended by the Committee on Oceanography of the National Academy of Sciences for a minimal national oceanographic program, and I emphasize the word "minimal"—not restrictive.

The Committee on Oceanography estimated the following costs by agency:

Navy	$278,240,000
Coast and Geodetic Survey	78,040,000
Bureau of Commercial Fisheries	123,160,000
Maritime Administration	10,900,000
National Science Foundation	121,040,000
Office of Education	5,000,000
Atomic Energy Commission	32,430,000
Bureau of Mines	2,600,000
Total	651,410,000

The Committee on Commerce, on the recommendation of the Committee on Oceanography, has increased the National Science Foundation authorization for the 10-year period by $8,500,000.

It has included $2 million per annum or $20 million for the 10-year period for the Corps of Engineers beach erosion board at the request made last year by the Defense Department.

It has included instrumentation for the U.S. Coast Guard which would approximate $10 million for the 10-year program.

And it has increased authorization for education and training in the amount of $1,600,000 on the recommendation of the Committee on Oceanography.

This is a total additional authorization in S. 901 of $40,100,000 which, added to the Committee on Oceanography 10-year estimate of $651.41 million, brings a total of $691.51.

The Department of the Navy has issued a revised tenoc (10 years in oceanography) report covering this one agency.

I think the authorizations in S. 901 for oceanographic and Great Lakes research by 6 departments, 3 independent offices, and 15 bureaus, offices, and services is quite modest in comparison with the tenoc report estimate for the Navy alone. This estimate is $889 million.

S. 901 proposes a balanced program in which both civilian agencies of our Government and military agencies would share in unlocking the mysteries of the oceans and the Great Lakes. Thus peacetime benefits will not be lacking while security needs also are being met.

Mr. MAGNUSON. Madam President, I understand that the Senator from Maine [Mrs. SMITH] has an amendment to submit. I now yield the floor.

Mrs. SMITH of Maine. Madam President, I call up my amendment identified as "7-27-61—F", and ask that it be stated.

The PRESIDING OFFICER. The amendment submitted by the Senator from Maine will be stated.

The LEGISLATIVE CLERK. On page 56, it is proposed to add the following to subsection (d) of section 21:

Provided further, That the Bureau of the Budget shall provide the Congress, in connection with the budget presentation for fiscal year 1963 and each succeeding year of the ten-year period covered by this Act, a horizontal budget showing (a) the totality of the program for marine sciences, (b) the specific aspects of the program and funding assigned to each agency, and (3) the estimated goals and financial requirements to complete the program.

Mrs. SMITH of Maine. Madam President——

The PRESIDING OFFICER. Who yields time to the Senator from Maine?

Mr. DIRKSEN. Madam President, I yield 5 minutes to the Senator from Maine.

Mrs. SMITH of Maine. I thank the Senator from Illinois very much; I wish to express my appreciation to the minority leader for giving me time on the amendment.

Madam President, I have listened with interest to the presentation made by the distinguished chairman of the Commerce Committee in regard to Senate bill 901.

An analysis of the budget document submitted to the Congress this year by the executive branch indicates that there is enormous confusion, overlapping, and duplication on the part of Government departments and agencies which are engaged in various aspects of the same overall program. This problem is glaringly demonstrated by S. 901, authorizing appropriations for oceanographic research.

This bill represents a legislative effort to identify each of the agencies and departments engaged in this activity and to provide specific authority to each. This bill reveals that oceanographic research entails participation of 6 departments, 3 independent agencies, and 15 different bureaus, services, and offices within the Federal Government. In addition, each of these may contract work to educational or scientific institutions and laboratories, State agencies or voluntary associations or organizations of citizens. This analysis indicates that:

Five agencies request funds for ship construction and operation.

Five agencies plan to construct shore facilities.

Ten agencies will conduct research activities, many of which appear to be identical or at least similar.

Six agencies plan to construct or acquire equipment or instruments much of which appears to be for the same purposes.

Seven agencies are authorized to spend funds for student or employee training.

Five agencies are authorized to collect and disseminate data to others.

Although there have been several intragency coordinating groups concerned with oceanographic activities, these bodies have generally been ineffective insofar as control by the Congress is concerned. Very rarely has any informal interagency group provided congressional appropriation committees with vital information such as the overall Government funding required each year to support a given program and the specific aspects of the work to be undertaken by each agency involved in the program.

Numerous instances are available in committee hearings of attempts by individual subcommittee members to correlate the presentation of a particular agency with that of another agency which appeared before another subcommittee of which the Senator happened to be a member. The hearings indicate that answers to questions attempting to elicit this information fall into two categories:

First. A profession of ignorance as to the activities of the other agency, or

Second. A glib assurance that all agencies cooperate by means of an interagency committee. That such interagency committees are generally ineffective can be demonstrated by the fact that similar activity is undertaken by two or more agencies without any apparent justification.

S. 901 illustrates the magnitude of oceanographic activities throughout the Federal Government and demonstrates the need for a horizontal presentation of this program cutting across agency lines and available to each of the subcommittees having responsibility for the various aspects of these programs.

The objective of this request would be twofold:

First. To enable members of the Appropriations Committee to more effectively fulfill their responsibilities.

Second. To provide within the executive branch a method of examining programs in their totality so that identical, similar or overlapping functions can be detected and in all probability corrected by the Executive.

I believe that the situation I have outlined can be corrected by the adoption of my amendment, which I ask to have added to Senate bill 901.

I have talked about this matter with the distinguished chairman of the Commerce Committee, the Senator from Washington [Mr. MAGNUSON], and he has indicated that the amendment is acceptable to him.

Mr. MAGNUSON. Madam President, the distinguished Senator from Maine discussed the amendment with me yesterday. I think the amendment will strengthen the bill; I think it will do what some have wondered about. It provides, of course, that the Bureau of the Budget shall provide Congress, in connection with this program, every year a horizontal budget, as it is called, as to the totality of the program for marine scientists, the specific aspects of the program, the funding assigned to each agency, and the goals and the financial requirements. I think that should be reviewed every year, so that budget will come to us, and all of it should be in one document. After all, one trouble at the present time is that these activities are spread all over the lot.

So I think this amendment will strengthen the bill considerably, and I hope the amendment will be adopted.

Mrs. SMITH of Maine. I thank the Senator from Washington very much for his observations. I am sure this amendment will make it much easier for the members of the Appropriations Committee to understand just what we are doing along this line.

Mr. MAGNUSON. As a matter of fact, I think we ought to put a lot of others on this basis. Then we would have a better concept of what is going on.

Mrs. SMITH of Maine. I agree with the Senator.

Madam President, I ask that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. YARBOROUGH. Madam President——

Mr. MAGNUSON. Madam President, I yield the Senator from Texas 3 minutes.

NEED FOR ADVANCEMENT OF MARINE SCIENCE

Mr. YARBOROUGH. Madam President, I rise to support S. 901 which is entitled "The Advancement of Marine Sciences and Research Act of 1961."

The bill proposes a coordinated program of expanded marine survey and research. The program is designed to produce a number of benefits, and I shall name three advantages of substantial import for the gulf coast country:

First, to afford greater protection to lives and property from oceanbred hurricanes and other violent storms; second, to expand our fisheries and reduce costs to both fishermen and consumers; third, to reveal ocean deposits of scarce and strategic minerals and develop methods of recovering and processing them.

It is of high importance for the Weather Bureau, the Coast Guard, the Navy, and other agencies to predict with reasonable accuracy the direction that a storm is headed and to warn of the hazard in time for evacuation.

Forecast of the high water surge is also as important as the direction of the

storm from which most lives are lost in the high water surge of the storm.

The Texas A. & M. College on May 8 presented to Government agencies working under the office of U.S. Naval Research Division two proposals for long-range studies of oceanographic-meteorological conditions in the Gulf of Mexico. In this projected program the college would hope to obtain data on the climatology of the gulf, air-mass modification over the gulf, variations in conditions in the upper layers of water in the gulf, and general conditions contributing to the formation of hurricanes.

I also wish to note that a world data center for oceanography is located at Texas A. & M. College, and that it has been concerned with the matter of international data exchange in connection with programs sponsored for the international geophysical year. Each year the center is growing in international recognitions.

I wish to commend the college and the outstanding leaders that have developed this fine program at Texas A. & M. College. During the past 12 years, a vigorous oceanographic survey and research effort has been pursued with particular emphasis on the oceanography and hydrography of the Gulf of Mexico.

Coordination between the programs will be carried out in collaboration with the Southwest Research Institute.

In recent testimony before the U.S. Senate Commerce Committee, of which I am a member, world authorities in testifying before the committee advised us that the oceans of the world contained, in solution, all identified natural atomic elements, 40 of which were in readily measurable amounts.

Thirty-one of the fifty States of the United States have major lake or marine areas within their borders. Hence, the bill has wide national support, and also is of worldwide interest.

Of particular interest to the Southwest and the oil and gas industry, the committee notes that marine mineral exploration and production of all kinds is very likely to continue in the various locations not only in the Southwest but all around the globe. This exploration, in the form of drilling for oil and gas, was largely pioneered off the coast of Texas, and has become so strongly identified with my State that all offshore structures are called Texas towers thus introducing new phraseology into our language.

Hence, we see the great need for continuous research and exploration in both the private and public domain.

As an example, there is a new development on the Texas gulf coast. I wish to record a special event a few weeks ago which emphasizes the great untapped resources of the oceans and the lakes.

It was my pleasure and privilege to participate with Vice President JOHNSON, Secretary of Interior Udall and a group of Congressmen and other governmental officials in the dedication of a new salinity plant on the Texas gulf coast at Freeport, Tex., which is being operated by the Dow Chemical Co. At this plant salt water is being changed to fresh water for general industrial and consumer use. This is one of the first large such operations in the world.

In addition, at this great plant on the Texas coast, magnesium, an important component of strategic and critical light alloys, bromine, an ingredient of high-octane fuels and dyestuffs, and potassium for chemicals and fertilizers, as well as numerous other mineral elements are daily processed from the waters of the Gulf of Mexico.

All along the gulf coast and in Texas from the Sabine River on the east to the Rio Grande on the southwest, there is a continually expanding petrochemical industry that draws on the natural resources, the rivers, and the Gulf of Mexico for raw materials. In particular, the Orange, Beaumont, Port Arthur area and the Houston-Galveston area have experienced large investments of capital and a large expansion of population in the past few years and the proposed bill will fill new needs and requirements for the area.

Madam President, I ask unanimous consent to have printed at the conclusion of my remarks a letter from Dr. Carl H. Oppenheimer, marine microbiologist, Institute of Marine Science at Port Aransas, Tex. This letter expresses not only the needs and interests of the gulf coast area in this legislation but also reviews the prospective results from general work in the field of marine biology and how this bill will stimulate research and teaching in this important aspect of science. I also request unanimous consent that a letter by Dr. Dale F. Leipper, head, department of oceanography and meteorology, Agricultural and Mechanical College of Texas, College Station, Tex., which comments on the purposes and anticipated results of this legislation be placed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATEMENT OF DR. CARL H. OPPENHEIMER, MARINE MICROBIOLOGIST, INSTITUTE OF MARINE SCIENCE, PORT ARANSAS, TEX.

MARCH 8, 1961.

Hon. WARREN G. MAGNUSON,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: I appreciate the opportunity to present to your committee my views, and I hope those of my esteemed colleagues, on the important but usually under-emphasized field of marine microbiology as part of the general topic of oceanology and the need for an intensification of effort to provide an understanding of the field.

May I commend you and your colleagues for the broadness of bill S. 901, the prospective Marine Science and Research Act of 1961. It is not may intent to delve into any specific aspect, but rather it is my desire to emphasize the position of the field of marine microbiology in the plan of oceanographic development and how your bill will stimulate research and teaching in this important aspect of science.

The rather few scientists in our field cannot begin to cope with the important aspects of our field which need immediate attention. Our expanding population daily introduces new aspects of marine microbiology which cry for understanding and possible control. Deep sea microbiology is almost nonexistent in the United States, and the only major effort in this field is being made by Russia, who has five large oceanographic research ships with microbiological laboratories and attendant scientists. Before one can fully understand the role of microorganisms in the sea, he must have a general background in oceanology. An increase in the training and research facilities of marine laboratories, the establishment of new laboratories, and above all, the establishment of research fellowships, would provide the necessary centers and impetus for the training of the marine microbiologists who are currently needed. We must turn more and more to the seas for water, food, and raw materials. It takes time for microbiological research, and therefore bill S. 901 is quite timely in that it provides the impetus to start now on research to alleviate existing problems and those which are imminent.

Microbes are important to almost all fields of oceanology: environmental health, including pollution, health hazards by toxic byproducts of metabolism or by direct disease production, radioactive uptake, production of surface active agents which enhance the wind distribution of toxic material from wave tops, causative agent of fish diseases both in the natural sea and in the marine aquaria; deterioration of manmade products such as cordage, wood, rubber, plastics, concrete, iron corrosion, fish and shellfish deterioration, destruction of instruments; geochemical activities of importance to the understanding of the past history of the earth and especially the petroleum; the use of microbes to trace currents or water masses; and in their role in all the cycles of nutrients which are necessary for life to continue in the seas.

Of course, these aspects of microbial activity are a direct or indirect result of the natural process of reproducing themselves. These properties, or results, of growth and reproduction imposed on the environment are the important aspects for which basic study and information is needed which can be applied to the control of the activities. Two of the most important aspects are photosynthesis and the decomposition of the remains of other living organisms. Life could not continue without these two processes by which energy from the sun is used to convert inorganic materials into protoplasm and the decomposition of the protoplasm back to the elements for the process to cycle through the ages. We need to know more about the speed of these two processes and how they are changed by environment and other factors.

Generally speaking, micro-organisms found in marine environments are bacteria, fungi, viruses, unicellular algae, and protozoans. These small organisms have one property in common: they are unicellular, and within a size range as to be affected somewhat similarly by the physicochemical aspects of the enviroment.

There is considerable controversy over the existence of true marine micro-organisms. Very little is known about the effects of salts in sea water on the small organisms and especially metabolism and transport of food through membranes. It may well be that the only difference between a marine micro-organism and a terrestrial micro-organism is that the former is more efficient energetically and can thus compensate for the osmotic effects of the salts on the cell. When bacteria and other unicellular forms are washed from land into the sea, they immediately encounter the osmotic forces due to an increase in salinity. Some micro-organisms, notably the pathogenic types, are killed within a few days or months. The micro-organism which survives may be classified as a marine bacterium.

Micro-organisms have been found in almost all natural samples of sea water and sediment which have been analyzed. The distribution of micro-organisms appears to be sporadic following hydrographic features and the presence of available nutrients.

Generally more bacteria are found near land, and especially where the bottom sediments are stirred up. Sediments contain up in the millions of bacteria per gram and usually more than the overlying water. Thus, upwelling, waves, and storms may move the bacteria into the water. The open ocean usually contains fewer micro-organisms. Although only 7 percent of the total oceanic area is less than 200 meters deep, it is estimated that the attendant microbial activity exceeds the remaining 93 percent of area.

As a closing example of the need for expansion of basic and applied research in this field, I should like to refer to two serious problems which need more attention than they are now getting. It must be emphasized that these are only two of many such problems confronting us at the present time.

One is the problem of the gradual buildup of detergents within our natural water systems. The highly effective cleaning detergents of the housewife are usually not broken down by sewage treatment, and the sewage effluents contain residual detergents. Most of the water passing down the rivers to the oceans is reworked several times through local metropolitan water systems. The British have already felt the impact of detergent buildup in recycled waters as evidenced by the frothing and by the fish killed in the rivers of highly populated England. These detergents, at a concentration of a few parts per million, are toxic to fishes and aquatic life. At the present our marine waters probably do not have an effective detergent concentration, but who has suspected that perhaps the detergent content of the waters of the Chesapeake Bay and other similar areas might be significant in the decline of the oyster populations? What do we need to do to combat this? One possible way is to create effective detergents which are easily broken down by marine organisms after their cleaning job is done, or to make, by mutation, bacteria which decompose the existing detergents.

The second problem is that of finding a suitable criteria for pollution assay. The time honored method of coliform or E. coli determination certainly falls short of being an accurate sewage indicator in the marine environment. There are some scientists working in this area at the present time, but it is obvious that intensified research will be needed before the problem is overcome.

In every attempt to describe a science it is necessary to oversimplify for the sake of clarity of the entire picture. This has been attempted in the foregoing paragraphs. We must face the fact that the marine microbe is important to our very existence. It is hoped that this simplified picture of the importance of the marine microbe will be of value in your posing problems of establishing a program of marine research and teaching with respect to the future of the people of the United States and of the world.

Very truly yours,

CARL H. OPPENHEIMER,
Marine Microbiologist.

STATEMENT BY DR. DALE F. LEIPPER, HEAD, DEPARTMENT OF OCEANOGRAPHY AND METEOROLOGY, AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS, COLLEGE STATION, TEX.

MARCH 23, 1961.

Hon. WARREN G. MAGNUSON,
Committee on Interstate and Foreign Commerce, U.S. Senate, Washington, D.C.

MY DEAR MR. MAGNUSON: Thank you for the invitation to comment upon your Marine Sciences and Research Act of 1961. I have just reread it and I was again amazed at the thoroughness with which you have laid out a plan of action.

The bill as it now stands is a considerable improvement over that of last year, in my opinion. You have pulled together many straggling programs and fitted them into a clear pattern.

You may recall that I wrote you last year under date of January 6, 1960, concerning the matter of international data exchange through the world data centers established for the IGY. World Data Center A is here at Texas A. & M. College. This center has growing international recognition as indicated for example in a resolution from the January 24, 1961, meeting of the International Geophysics Committee. There appears to be a strong continuing need for a university-based, nongovernmental, nonmilitary data center in oceanography. The United States should not lose the advantage which it now has in having one of the two such centers established under successful international agreements. I assume the wording of your bill would permit the continued support of this center so that no modifications are needed.

I have no additional comments upon the bill. Regardless of its fate in Congress it has already done a remarkable amount of good for the marine sciences in the United States by bringing so much attention to them. In an intelligent way it has demonstrated the true role of these sciences in the future of our country. We express our most sincere appreciation to you for this.

RETIREMENT OF HIGH-RANKING OFFICERS

Mr. DIRKSEN. Madam President, I yield 3 minutes to the Senator from Missouri [Mr. SYMINGTON].

Mr. SYMINGTON. I thank the distinguished minority leader.

Madam President, this morning one of the great naval officers of our time, Adm. Arleigh A. Burke, made his last appearance before a Senate committee as Chief of Naval Operations.

A few days ago the same was true of Gen. Thomas D. White, recently retired as Chief of Staff of the Air Force.

The Nation is also losing Gen. Frank Everest, commander of the Tactical Air Command, and Lt. Gen. Frank Armstrong, commander in chief of the Alaskan Air Command.

In this connection, I ask unanimous consent that an editorial in the New York Times of this morning, "The Captains Depart," praising the successes of these four great Americans, be inserted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CAPTAINS DEPART

A deep sense of obligation to the Nation and an abiding loyalty to and faith in the country they serve has always characterized the best of our military professionals. The high-ranking officers retiring this summer and early fall after years of outstanding leadership have always epitomized these qualities of duty, honor, and devotion.

Adm. Arleigh A. Burke, who has served longer as Chief of Naval Operations (6 years) than any other man, earned in war a "can-do" sobriquet as "31-Knot Burke"—always proceeding at high speed to his objective. In Washington he has won the respect and admiration of all who have known him for his strength of character, tireless energy, and selfless dedication to the Navy and the Nation.

Gen. Thomas D. White, who recently retired as Chief of Air Staff, made his mark not only as a flier and advocate of air power but as a man of wide-ranging knowledge and brilliant mind, delightful personality, and complete mastery of his profession.

Gen. Frank F. Everest, commanding the Tactical Air Command, and Lt. Gen. Frank A. Armstrong Jr., commander in chief, Alaska, are pilots' pilots, beau ideals of fighting airmen.

All of these men, and others of high rank who have retired recently or will shortly do so, deserve well of the Nation. The best of the military qualities—selfless service, loyalty up and down, leadership and duty—were never more needed than they are today. These men set a high mark for those who follow in their train.

Mr. SYMINGTON. Madam President, the other evening it was my privilege to attend a farewell dinner for General White. I shall not forget part of a short extemporaneous talk he made, which fortunately was recorded.

At that time General White said, in part:

I would like to point out that war is a dynamic affair. It is fraught with uncertainty and I only urge that we not rest our defense on static weapon systems.

Another point should be made, that nations have risen and fallen by their success, or their failure, to exploit their environments. First on land—and we know through history of our many great land powers; and then on sea—and the same can be said about the sea empires; and then finally in the air.

But today we are faced with a new environment—that of space, and it is my conviction that this Nation someday, somehow, will depend for its very survival on our own conquest and superiority in space—in our own planetary system.

I am sure all Members of this body agree with these wise remarks.

MARINE SCIENCES AND RESEARCH ACT OF 1961

The Senate resumed the consideration of the bill (S. 901) to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and laboratory facilities, to expedite oceanographic instrumentation, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the public health and general welfare, and for other purposes.

Mr. LONG of Louisiana. Madam President, I call up my amendment, 7-12-61—A, which is at the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Louisiana will be stated.

The LEGISLATIVE CLERK. It is proposed, at the end of section 21, to insert the following new subsection:

(f) Except as otherwise specifically provided by this Act, no appropriated funds may be expended, pursuant to authorization given by this Act or any amendment made thereby, for any technological research or development activity unless such expenditure is conditioned upon provisions effective to insure that all information, uses, products, processes, patents, and other developments resulting from that activity will (with such exceptions and limitations as the agency head concerned may determine to be necessary in the interest of the national defense) be made freely and fully available to the general public: *Provided, however,* That nothing herein shall be construed as to deprive the owner of any background patent relating thereto to such rights as he may have thereunder.

Mr. LONG of Louisiana. Madam President, from the very beginning of this Government under the Constitution, in 1790, up until 1942, it was both the law and the practice that all agencies of Government were required to obtain all patents and proprietary rights resulting from research at public expense. The reason why this was done is that the information and the patent rights were thereby made available, on an equal basis, to all American citizens who had contributed their funds, through their taxes, to make this research and proprietary information available.

Unfortunately, in my judgment, since 1942 the armed services have been permitting contractors of these services to obtain private patents on research performed at public expense, reserving only for the military a license to use the patents and proprietary information to fulfill its specific requirements.

This, in my judgment, is clearly contrary to every concept of a democracy, because it amounts to taxation of the public for the private gain of others.

Most other agencies of Government—practically all of them—are specifically precluded by law from giving away, on an exclusive basis, patents or proprietary rights of information achieved at public expense.

The bill before us would require the Department of the Interior and the Department of Health, Education, and Welfare to reserve patent rights in the Government, as they are required to do now in some instances, and as historically they have always done by practice. It would nevertheless leave it open for other departments, including the Department of Defense, to make it possible for a single contractor, working on Government contracts, to obtain patents from information derived exclusively at Government expense.

This amendment would seek to arrive at uniformity in requiring for the other agencies mentioned in the bill what is required for the Department of the Interior and the Department of Health, Education, and Welfare; that is, where information has been derived entirely at Government expense, that information is in the Government and therefore will be made available to all citizens on a nondiscriminatory basis.

There is language contained in the amendment which reads as follows: "with such exceptions and limitations as the agency head concerned may determine to be necessary in the interest of the national defense."

My understanding of that language in parentheses is that, where the information is secret in nature, such as systems of communications between two submarines operating under water, the information may not be filed for patent, that the matter will remain in the bosom of the Government, because the Government does not want that information made available to an enemy. This is not intended to permit an interpretation that a contractor could under any circumstances be conveyed patent or proprietary rights to information developed solely at Government expense.

Mr. MAGNUSON. Madam President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MAGNUSON. But if the information is made available, it should be made available to everybody, and not merely to a private person or corporation.

Mr. LONG of Lousiana. It is not intended to permit a construction or interpretation that, if only a single contractor were qualified to do certain research, and obtained certain information, he could be permitted to have exclusive patent rights. In view of the same language also appearing on pages 19 and 29 of the existing bill, I believe this legislative history will confirm the fact that no such interpretation of that language is intended.

Mr. MAGNUSON. That is correct. I do not want to take too much of the time of the Senator, but I point out that the bill also provides for private participation in this field. There has been a great deal of it. Institutions at La Jolla, Calif., and Woods Hole, Mass., have participated in that research. They have done more work on oceanography than the Government has, for many years. However, the load is getting too great. There should be Government participation. Also, Operation Mohole is going on. The purpose of that operation is to bore into the crust of the earth, to the deepest part possible, in order to find out what is contained in the earth's crust. It involves oceanographic as well as geologic knowledge. In that case all the oil companies got together and financed the project. The National Science Foundation was the manager, and put some money into it. They all got together in that operation, and it has been successful. Their interest was to learn how to keep a drilling rig on even keel in the ocean. They learned how to do it. It is amazing.

Under the amendment proposed by the Senator from Louisiana, would they be entitled to the benefits which they put into such research?

Mr. LONG of Louisiana. It is very clear from the language. The language reads:

Provided, however, That nothing herein shall be construed as to deprive the owner of any background patent relating thereto to such rights as he may have thereunder.

It would still permit private patents in an operation, which is rather typical of the oil and gas industry, wherein the companies do their own research, but which the Government might want to supplement to the extent of perhaps 10 or 20 percent of what was being spent by the industry itself.

When the Government is contracting on a cost-plus-fixed-fee contract, paying the entire expense, it is clearly contemplated the Government, having paid for the entire thing, would be entitled to all the patent rights.

I am pleased to say, Madam President, I have discussed the amendment with the distinguished Senator from Washington, the chairman of the committee, and he is prepared to accept the amendment.

Mr. MAGNUSON. Madam President, I think the amendment clarifies what we tried to do. The real effect of the amendment is that it would require the Department of Defense to comply with the same laws as other Government agencies in the oceanographic research field.

Mr. LONG of Louisiana. The Senator is correct. The amendment relates only to the field of oceanographic research. It seeks to go no further than the bill would go.

Mr. MAGNUSON. I think it is a good amendment and would help the bill.

The PRESIDING OFFICER. The Senator from Illinois [Mr. DIRKSEN] is recognized.

Mr. DIRKSEN. Madam President, I have no comment to make on the amendment. I believe, however, under the unanimous-consent agreement, the time on the amendment must be yielded back before there can be a vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. MAGNUSON. Madam President, I yield back my time.

Mr. LONG of Louisiana. Madam President, I yield back my remaining time.

The PRESIDING OFFICER. The Senator from Louisiana yields back his time.

Mr. DIRKSEN. Madam President, I yield back my time on the amendment.

The PRESIDING OFFICER. All time on the amendment of the Senator from Louisiana [Mr. LONG] has been yielded back. The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. LONG].

The amendment was agreed to.

Mr. DIRKSEN. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. How much time remains on the bill?

The PRESIDING OFFICER. One hour and 22 minutes remain on the side of the opposition.

Mr. DIRKSEN. Madam President, I would assume the calculation is slightly in error. There were 2½ hours under the unanimous-consent agreement. Forty minutes of that time was to be allocated to the amendment of the Senator from Louisiana [Mr. LONG]. All time on the amendment has been yielded back. That would leave, I think, 1 hour and 50 minutes, equally divided between the sponsor of the bill and myself.

The PRESIDING OFFICER. The Chair is advised that the Senator has 29 minutes remaining.

Mr. DIRKSEN. I have 29 minutes remaining? That cannot be.

The PRESIDING OFFICER. The Senator from Washington [Mr. MAGNUSON] has used all his time. All time on the amendment of the Senator from Louisiana [Mr. LONG] has been yielded back. There are 29 minutes remaining.

Mr. DIRKSEN. Parliamentary inquiry, Madam President.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Who used the hour of my time? I yielded 4 minutes to the

distinguished Senator from Maine [Mrs. SMITH] and 3 minutes to the distinguished Senator from Missouri [Mr. SYMINGTON]. That is 7 minutes. Perchance time was used last night.

The PRESIDING OFFICER. Forty minutes were allotted for consideration of the amendment of the Senator from Louisiana [Mr. LONG], as a part of the 2½-hour allotment. The 40 minutes, whether used or turned back, are deducted from the total time.

Mr. DIRKSEN. If all the time on the amendment of the Senator from Louisiana has been surrendered, that would leave 1 hour and 50 minutes on the bill itself.

Mr. LONG of Louisiana. Whatever time there is remaining, it is the time of the Senator from Illinois.

Mr. DIRKSEN. Madam President, I simply wish to be clear as to how much time remains.

Mr. LONG of Louisiana. Madam President, will the Senator yield me 30 seconds?

The PRESIDING OFFICER. Two and one-half hours were allotted for the entire discussion of the bill. Forty minutes were allotted for the amendment of the Senator from Louisiana [Mr. LONG]. Whether or not the 40 minutes were used, that time is deducted from the total 2½ hours. There were 2 hours and 30 minutes minus 40 minutes. The remaining time is 110 minutes, of which the Senator from Washington [Mr. MAGNUSON] used 55 minutes. The remaining 55 minutes were allocated to the minority leader. Seven minutes has been used by the opposition. There should be 48 minutes remaining.

Mr. DIRKSEN. Then there are 48 minutes remaining.

Mr. LONG of Louisiana. Madam President, will the Senator yield me 30 seconds?

Mr. DIRKSEN. I yield 30 seconds to my friend from Louisiana.

Mr. LONG of Louisiana. Madam President, on the subject of patent policy, on which the Senate just acted, I ask unanimous consent to have printed in the RECORD an article written by me discussing the subject, published in the American Bar Association Journal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A GOVERNMENT PATENT POLICY TO SERVE THE PUBLIC INTEREST

(By Hon. RUSSELL B. LONG, U.S. Senator from Louisiana)

(Senator LONG takes a position contrary to that of Congressman DADDARIO on the question of ownership of patent rights in inventions financed by the Federal Government. He argues that the purpose of granting a monopoly by patent, which is to encourage invention by rewarding the inventor for taking the risk of inventing and marketing new products, is a misapplication of the patent philosophy when the Government has already paid for the invention on a cost-plus-fixed-fee riskless contract.)

In 1959, of all the research and development performed in the United States, almost 70 percent was paid for by the U.S. Government.[1] This percentage, however, tells only a small part of the story, for in certain industries the Government pays for the major part of the research performed.

Government expenditures for research and development have an important impact on the creation, development, and allocation of our national resources. Military research and development (this includes the Department of Defense, the Atomic Energy Commission, and the National Aeronautics and Space Administration), which in dollar terms is 90 percent of all Government-financed research, is concerned—like all other research—with obtaining new knowledge and producing new techniques and products. Although it is concerned with the development of new knowledge, products, and techniques to meet military needs, these activities have civilian counterparts and the results have civilian value.

Civilian use of products or techniques resulting from military R. & D. goes back to the very beginning of our national history. In 1789, Eli Whitney was under contract with the U.S. Government to develop a system of manufacturing interchangeable parts for the production of firearms in arsenals. The results of his work were soon transferred to civilian industry. It was a great contribution to methods of mass production and was fundamental to civilian industry.

It may be argued that this contribution would have come sooner or later, but it did come sooner because of a military need, and society benefited accordingly.

Throughout the years, many civilian products and techniques have been the direct result of military research and development expenditures.

Some are well known and include: (a) yellow-fever eradication, (b) chlorination of water, (c) nuclear power, (d) the modern aircraft, (e) blood-plasma substitutes, (f) new high temperature alloys, (g) antimalarial drugs.[2]

Some, less well known, and equally valuable, include: (a) nitrogen-mustard treatment of leukemia and other cancers, (b) many of the better insecticides and rodenticides, (c) mechanical smoke generators for crop protection, (d) flameproof fabrics, (e) heat-resistant and fire-retarding paints, (f) aircraft engines, (g) helicopters, (h) anticing equipment, (i) new plastics and adhesives, (j) new automobile power-steering and suspension system, (k) advanced weather-forecasting techniques, (l) tissue-bank techniques, (m) miniature electronic components, (n) automation equipment, (o) silicon transistors, (p) automatic electronic computers.[3]

Especially in those cases where large sums of money are needed and where private industry will not willingly gamble in the absence of the prospect of a shortrun payoff, the Government plays a very important role in bringing about innovations much earlier than might normally be the case.

Here are some specific examples selected at random:

1. Many field rations and foods deteriorate in a short time because of moisture, thus causing excessive rates of replacement and waste. To overcome this problem, the Quartermaster Corps developed a packaging material consisting of lightweight aluminum foil coated with polyethylene and backed with a plasticized paper, thereby providing a high degree of protection against moisture. This product was given severe field tests and found to be far superior to all other known packaging materials used for similar purposes. The dehydrated food industry and the photographic film industry have both taken over the use of this result of military R. & D., as evidenced by the packaging used for Lipton's soups, Kodak film, French's instant potatoes, and Dean's dry milk.[4]

2. The feeding of aircrews on long missions was of concern to the Air Force. The solution was obtained in the development of precooked frozen meals. These were first used in 1951 and were developed essentially to feed aircrews aboard large, long-range bombers (B–36). Since then, they have been used extensively in commercial aviation, especially on oversea flights. During the past few years, such precooked frozen meals have become widely available in grocery stores and supermarkets as TV dinners.[5] Many food companies are involved in their manufacture, and they have become very helpful to the harried housewife.

3. Civilian airlines use many products which were developed by the Air Force for military purposes; for example: (a) the P–4 automatic pilot; (b) almost all aircraft engines and flight equipment; (c) flight simulators used to train civilian pilots; and (d) many of the engine and secondary power systems.[6]

4. Other items like:[7] (a) plastic hearing aids, (b) anticorrosion coating, (c) fire-extinguishing agents, (d) turbojet engines, (e) electronic computers—and a large number of industrial processes and other important items.

During 1961 the Federal Government will obligate an estimated $9.1 billion for the support of scientific R. & D. This compares with obligations of $8.6 billion for fiscal year 1960 and $7.4 billion in fiscal 1959. Since the U.S. Government finances almost 65 percent of all R. & D. performed by industry, and since a large part of Government-financed research is devoted to pushing forward the frontiers of knowledge, it can be seen that Government activities in this field have an exceedingly important and direct impact on the growth of our economy, its market structure and our defense effort.

The channeling of research and development funds into an industry can insure its expansion and prosperity; the withholding of such funds can stifle or retard its growth. Similarly, the awarding of research contracts to particular corporations, especially in trail-blazing developments, confers incalculable advantages in know-how which generally presage the growth, domination, or competitive superiority in these or related fields. The disposition of rights resulting from Government research and development can increase monopoly and the concentration of economic power or alternatively can spread competitive benefits throughout our society with consequent benefit to the maintenance of competition, wich is an essential ingredient of a free enterprise system, and more rapid economic growth.

PATENT POLICY: A STIMULUS OR A DETERRENT TO GROWTH?

The technical and scientific knowledge resulting from research and the ability to use it is a resource as important as, and probably more important than, the tangible capital and raw materials used in the productive process. If this resource is paid for by the people of the United States, then the results of research should be available to all citizens.

Such is the philosophy of the laws providing for research by the Atomic Energy Commission, the National Aeronautics and Space Administration, the Department of Agriculture, and the Department of Health, Education, and Welfare.

On the other hand, the Department of Defense, the largest spending agency of the

[1] U.S. News & World Report, Apr. 3, 1961, p. 26.

[2] "Defense Spending and the U.S. Economy" (Bethesda, Md.: Operation Research Office, Johns Hopkins University, June 1959) p. 17.

[3] Id.

[4] Ibid., p. 25.

[5] Op. cit., p. 22.

[6] Op. cit., p. 26.

[7] Op. cit., pp. 17–26.

Federal Government, seizing upon its discretionary flexibility, takes for itself only a nonexclusive, royalty-free license under patented inventions developed through Government-financed research, leaving exclusive commercial rights in the hands of the contracts themselves. In certain instances, the Defense Department has supplied funds for contractor-initiated research to a select group of industrial giants without retaining a license or any rights at all.[8]

Many of the practices of the Department of Defense are largely the result of extreme pressures put on the Government in previous national emergencies. During World War II, the Office of Scientific Research and Development[9] used a short-form contract with private business which gave the Government title to discoveries resulting from public funds. Being a time of war, however, with our country locked in a life-and-death struggle with the totalitarian powers, the Government found itself over the proverbial barrel. Business firms, in some cases, were reluctant to perform research vital to our defense effort and to our very existence unless they got all rights to the work they did, even though the Government paid for it. The Government surrendered and started using the so-called long-form contract which gave all commercial rights to the contractor working in the war effort. This amounted to the Government's granting some firms a monopoly in certain fields and could well be described as a more extreme form of extortion. No previous patents or proprietary rights were involved at all.

Another example of extreme pressure being put on the Government is in the case of the cancer chemotherapy program of the Department of Health, Education, and Welfare. Cancer is the second most serious killer in the United States. Great pain often accompanies this dread disease. Our Government and other private organizations have embarked on a research program to alleviate the suffering which results from cancer and to try to conquer it. Yet certain drug companies refused to cooperate with the U.S. Government in a cancer program unless they received exclusive rights to everything they discovered with public funds[10]—even though the traditional policy of the Department of Health, Education, and Welfare is to dedicate to the public every invention and discovery resulting from expenditure of public funds.

This is not only a problem of equitable treatment, but also a problem of industrial, economic and scientific progress. The rapid dissemination of new scientific and technical knowledge is essential to progress. In addition, the Government should promote to the best of its ability the unlimited and universal availability of knowledge, ideas and inventions.

A telling example of productivity increase that can, in the long run, be brought about by the free access to a steady flow of advanced technical ideas is offered by American agriculture. Traditionally, the bulk of agricultural research in this country was financed by Federal funds, and its results were put at the disposal of the potential users free of charge. In consequence, agricultural productivity has been increasing by leaps and bounds, finally even creating a glut of cotton and wheat.[11]

In the field of atomic energy also the United States appears to be out in front. The bulk of research in atomic energy is performed in Government installations and the results are rapidly disseminated to all interested parties.

Here is what the senior editor of Business Week writes about transistors:

"When the semiconductor industry began its growing, Bell Labs held basic design and process patents covering the entire field. The growth gained tremendous impetus from Bell's policy of putting these virtually in the public domain".[12]

A private company, when it spends large sums for developing manufacturing know-how, cannot be expected to yield such information to the public without charge.

In addition, a contractor, hoping to obtain a private patent monopoly of great value, cannot be expected freely to divulge the knowledge and ideas which will lead to a patent on the application of the principles involved. His scientists and engineers are usually under an injunction of secrecy. If possible, he will withhold all information until attorneys have prepared and filed patent applications. Yet the Nation needs the information at the earliest moment, first to enable others to use it in reaching the next frontier of knowledge; and, second, to spare the Government the expense of other scientists trying to find the answer to a problem that has already been satisfactorily solved. Gen. Marcus Cooper, testifying before Senator McCLELLAN's Patent Subcommittee, admitted the "reluctance on the part of associate contractors in the ballistic missile program to exchange information with an organization that might someday use the information to its own gain."[13] It was also stated that other contractors were in no way reluctant to participate in the program if the Government took title[14] (presumably when NASA's funds were being used).

There is no reason, however, why publicly financed know-how and inventions should not be made available to the public either free or on the most liberal terms. This means that practical application of many of the path-breaking discoveries will not be restricted. In an era in which economic progress depends so much on scientific research, such chronic underemployment of technical knowledge might have, in the long run, an even more deleterious effect on the rate of economic growth than idle capital or unemployment labor.

A concrete example of what happens when the Government gives away patent rights was described in hearings before my Monopoly Subcommittee in December of 1959.

A small New York company[15] wanted to bid on aerial cameras, which the Government had hired the Hycon Co. to develop. This latter company did practically all its work for the Government, was founded for that purpose, and had no significant commercial background.[16] Whatever knowledge, experience, and background it had was acquired as Government expense. Let us see what happened.

In keeping with Department of Defense policies, the Hycon Co. was automatically given the patent monopoly on the developments paid for by the Government.

The company refused to give up drawings and technical know-how. Hycon Co. claimed that it owned the development because it was given the patent rights, hence it did not want to release the technical information. A strenuous effort and considerable time on the part of Signal Corps personnel at Fort Monmouth was finally required to secure the technical data and drawings. When the Hycon Co. finally released the information, it demanded a 7½ percent royalty from the small company.

Here is a concrete, uncomplicated, and by no means isolated example of what happens with the Defense Department type of policy. These are the consequences:

1. The dissemination of knowledge was hampered, thus impeding progress in the further development and manufacture of aerial cameras.

2. Competition by the small business was hampered in that it was unable to secure the drawings and know-how to discharge its contracts with the Government.

3. If the small company had not been persistent in creating a competitive situation, the Government would have had to pay higher prices to Hycon.

4. The practical ability to impede competitors, to frustrate and subject them to costly delays, proved to be a valuable asset to Hycon.

Here is an example where there was no justification for giving away patent rights, for a patent right should be given only as an inducement to bring into existence something which would not have been brought into existence without it. It is an inducement to invent. It can hardly be demonstrated that giving Hycon the patent rights tended to promote the "progress of science and the useful arts."

On the contrary, the failure of the Government to take title to the development and its failure promptly to secure and make public the technological and technical information related to the cameras actually retarded the "progress of science and the useful arts."

Here is another simple example. A small company from Pennsylvania appeared before our committee to state that it produces electromechanical mechanisms and instruments and also overhauls and repairs aircraft instruments, but that it was unable to compete with the General Electric Co.—not because this huge company was more efficient; not because it could do a better job than this 125-man company. It could not compete because GE would not supply them with replacement parts. GE claimed that it had proprietary rights to these items.

The inability to secure parts was bad enough, but even worse is the inability to secure technical information.

Let me quote part of the testimony:

"But what we are concerned with is the manuals wherein they issue the information to the Government in conjunction with and in connection with the instrument which they supply the Government. This is normally required by contract.

"Now, these manuals are designed to help the Government and private companies overhaul these aircraft instruments, strictly based on the information given in technical manuals.

"This also means that equipment in the field, if it is, for example, let us say, in Okinawa, or in Japan, or in some place, should be able to be overhauled by military personnel strictly on the information given in the manuals.

"We find, however, that these manuals are incomplete. Whether they are inadvertently so, or whether it was done purposely, I am not in position to say, but I will say

---

[8] New York Herald Tribune, May 23, 1960.

[9] Atomic Energy Act of 1946. Washington, D.C.: Hearing before Special Committee on Atomic Energy, U.S. Senate, 79th Cong., on S. 1717, 1946, pt. 3, pp. 332–333.

[10] Testimony of Parke Banta, General Counsel of Department of Health, Education, and Welfare, "Patent Policies of Departments and Agencies of Federal Government," Washington, D.C.: Hearings before Monopoly Subcommittee of the Select Committee on Small Business, U.S. Senate, 86th Cong., 1st sess., Dec. 8, 9, 10, 1959, pp. 355–364.

[11] Leonard S. Silk, op. cit., p. 7.

[12] Op. cit., p. 75.

[13] Hearings before Committee on the Judiciary, Subcommittee on Patents, Trademarks, and Copyrights—Government Patent Policy, S. 1084, S. 1176, Apr. 18, 19, 20, and 21, 1961. Transcript, pp. 334–335.

[14] Op. cit., p. 328.

[15] Patent Policies of Departments and Agencies of Federal Government (p. 22–14).

[16] Form S–1, Registration Statement under the Securities and Exchange Act of 1933, Hycon Manufacturing Co. Registration No. 2–17954.

that these manuals which are supposed to be completed are furnished the Government in many cases incomplete, and recourse has to be made to the original manufacturer to fill in this information which is missing.

"This is where we run into our problem, because the original manufacturer in many cases, in most cases, will not release this missing information which is normally test equipment." [17]

More than just the manuals are involved. It is the whole question of know-how which contractors do not turn over to the Government, which in turn cannot pass it on to anyone else.

The initial Government contractor is the same large company which recently pleaded guilty to charges of systematically conspiring to cheat and overcharge the U.S. Government on procurement items for more than 10 years.

These are not isolated cases. They are typical. In some cases the impact on our economy is slight; in other cases, the impact is extremely serious. But when we have day in and day out thousands of cases where scientific and technical information is withheld; where opportunities have been denied; where restrictions are imposed—in their totality they have an incalculable impact on our country.

The inevitable result is slower economic growth in the long run and the inability to cope satisfactorily with problems resulting from declining industries, thus depriving many of our younger people of opportunities which we should keep open to them. In addition, unjustifiable increases in defense costs are inevitably imposed on the already heavily burdened taxpayer.

MONOPOLY AND ECONOMIC CONCENTRATION?

The policy of the Defense Department and other departments of the Government of automatically relinquishing to private contractors all rights to the results of research and development financed with public funds (except for a mere license to use) coupled with the fact that 95 percent of Government R. & D. funds go to the largest companies—is inevitably leading to greater concentration of economic power and the consequent decline of our free competitive system. This was the conclusion of the Attorney General of the United States in his report of November 8, 1956. This conclusion was restated and further emphasized by the new Assistant Attorney General on April 21, 1961.[18]

He stated that the contract itself gives to the contractor a significant headstart in a particular field. Giving title to the contractor insulates him from any competitor's efforts to catch up. If we cannot avoid giving the headstart, at least we can avoid prolonging its effects. The Defense Department's policy of helping huge companies to improve their already formidable patent structures at the public's expense by its very nature is destroying the free private enterprise system. Defense research expenditures have been made solely on an emergency basis without regard to growing concentration of technology.

"Antitrust action after the fact to break up monopolistic amassments of patents and know-how is a drastic remedy with many limitations. It would be highly desirable to avoid the need." [19]

"Whatever their merits, it is undeniable that patent rights confer monopoly powers on the patentee. Patents enable their owners to restrict the use of inventions, thereby restricting the contributions to the national product that the patented inventions could make, in the hope that the resulting higher market price will make possible (monopoly) profits in excess of what could be earned under competitive conditions. To deny this feature of the patent system would be tantamount to denial of any usefulness of the patent system." [20]

A concrete example was found by the Comptroller General of the United States.[21] As of June 1959 the contractor under investigation had filed applications for 95 patents, all resulting from Government-financed research and development. Out of this number, 11 applications were for inventions which the contractor himself characterized as primary inventions; that is, "developments believed to be sufficiently basic and important to provide a basis for a new industry or an entirely new product line; or one which may have a major effect on the expansion or conversion of an existing industry or product line."

In this case—as in many other cases—the U.S. Government has spent public funds to give one private company the power to control a whole industry—to exclude everyone it wants to exclude—to charge practically any price it wants to charge. It would be extremely difficult to assert that this kind of policy leads to the equality of opportunity which competition should encourage. It would be equally difficult to claim that such a policy used by the Department of Defense is consonant with our objective of economic freedom.

On the other hand, the policy of the Atomic Energy Commission, the Department of Agriculture, the Federal Aviation Agency, and the National Aeronautics and Space Administration of taking title to inventions produced with public funds and making them available to the public, tends to strengthen the free private enterprise system for the following reasons:

1. They help to remove at least one of the factors which make for economic concentration and that is the accumulation of a large number of patents by a small group of industrial giants.

2. Small- and moderate-sized businesses will be able to use the results of the research capabilities of the large corporations which have many facilities too expensive for such companies. In this way, technological and scientific knowledge will now be made available to a greater number of firms and individuals.

3. Scores of small- and moderate-sized businesses would benefit by the ability to enter new fields from which they would be excluded if a few companies retained the legal power to exclude them by way of patent monopolies.

4. One barrier to the entry of new firms into an industry is found in the cost advantages of established firms, many of which have acquired valuable know-how from Government-financed research and development contracts.

An established firm may use the patent to keep out new firms altogether by denying the use of patents, or it can impose royalty charges for their use which raise the entrant's cost.

THE PHILOSOPHY OF THE PATENT SYSTEM

The patent system endeavors to attain the constitutional objective of promoting the progress of science and the arts by granting to the inventor or initial investor a temporary monopoly in a new product or process. The social rationalization of granting such monopoly rights through patents in a free private enterprise system rests upon the assumption that such grants will accelerate technological progress through the stimulus they provide for the financing of industrial research and development and of new industrial ventures; and that the deliberate restraint of competition which the Government institutes by granting temporary patent monopolies in the use of inventions has the ultimate objective of serving the public interest; that is, that the gains for society resulting from this stimulation will offset the restrictions on freedom of enterprise which the patent grant imposes.

This stimulus is considered necessary to the undertaking of extraordinary risks. No one knows in advance whether he will be successful. The cost may be great. There are many businessmen who have not invested a single penny in the cost of the invention, but are ready to imitate the new invention and compete in selling the new products or using a new process. Why, then, risk large sums of money inventing, in developing new markets, perhaps in investing large sums in new plants and equipment? If a patent monopoly, however, can be expected to keep the imitators off for a while, the innovator perhaps can secure an attractive profit. The hope for such temporary monopoly profits serves, therefore, as an incentive to take risks.

But where are the risks in Government-financed research and development contracts? There really are none. Practically all R. & D. contracts let by Federal agencies are on a cost-plus basis. No matter how expensive a project turns out to be, the costs are covered by the Government. Moreover, there is no risk in finding a market for the new product. The market is there, waiting eagerly in the form of the Federal department or agency for whom the research and development have been performed. The whole thing is virtually a riskless venture for the contractor. Even the possibility of contract cancellation cannot be considered a risk, for the firms have invested none of their own funds and are generally granted, in addition, a return well in excess of costs.

When an inventor has not devoted his own independent efforts and resources to the development of an invention, but has used his employer's resources, it is a well-known common law doctrine that any resulting invention is the property of the employer.[22] Similarly, when the inventor or the contractor has used Government money or facilities or both, and has been compensated by the Government for his efforts, there is no justification for giving to him also the title to the invention. In that case, it is the Government which has made the invention possible, and the Government should in all propriety get what it has already paid for.

On careful analysis, the policy of the Defense Department, on the other hand, actually amounts to this: "The Federal Government taxes the citizens of this country to secure funds for scientific research, on the grounds that such research promotes the general welfare, and then turns the results of such research over to some private corporation on an exclusive, monopoly basis. This amounts to public taxation for private privilege, a policy that is clearly in violation of the basic tenets of any democracy. Such a violation might possibly be justified on the grounds that it leads to greater enhancement of the general welfare than adherence to a basic principle would; but in the present cases, no offsetting gains are in the offing.

[17] "Patent Policies of Departments and Agencies of Federal Government," p. 29.

[18] Statement of Assistant Attorney General Lee Loevinger, Antitrust Division, Department of Justice, on "Government Patent Policy," Washington, D.C., before the Senate Subcommittee on Patents, Trademarks, and Copyrights, Judiciary Committee, U.S. Senate, 87th Cong., 1st sess., Apr. 21, 1961.

[19] Ibid.

[20] "Patent Policies of Departments and Agencies of Federal Government," p. 271.

[21] Report to the Congress of the United States by the Comptroller General of the United States, "Review of Administrative Management of the Ballistic Missile Program of the Department of Air Force," Washington, D.C.: U.S. General Accounting Office, May 1960, pp. 47–48.

[22] For example, *Standard Parts Co.* v. *Peck*, 246 U.S. 59 (1926).

Under the circumstances, it seems palpably evident that new discoveries derived from research supported by public funds belong to the people and constitute a part of the public domain to which all citizens should have access on terms of equality." [23]

In those cases, however, where private companies have invested their own resources and have established commercial positions in those very areas in which the Government is interested, such equities should be recognized.

On the other hand, many firms have acquired background information and know-how at public expense, which should also be recognized.

The general objective at all times should be to protect the interests of the private concern doing business with the Government and at the same time conscientiously to safeguard the interests of the Government as the trustee of the public interest.

PROFITABILITY OF GOVERNMENT R. & D. CONTRACTS

The statement that, on a cost-plus-fixed-fee contract, the fee is only 5 percent or 7 percent ignores the fact that a 5-percent return on volume may well be a 50-percent return on investment. Many retail food chains, for example, averaged 1 to 1½ percent profit on sales last year, which worked out to be about 20 percent return on net worth, which is the measure of profitability.

Furthermore, if the contractor produces anything worthy of his hire on the R. & D. contract, he has a great advantage and a virtual assurance of a lucrative procurement contract, usually on a negotiated cost-plus-fixed-fee basis. No one has been heard to argue that the latter contract, particularly if it can be had without bidding therefor, is not sufficiently profitable.

Any student of the question of private patents at public expense will inevitably reach a conclusion related to his starting point. If he is a believer in competition as an essential ingredient of a free enterprise system, he will conclude that private concerns should not have patents on research financed at public expense. If he is wedded for any reason to the operation of modern-day monopolies, he will reach the conclusion favoring the high profits and low-grade service which result from monopolies.

The benefits of competition to bring better quality at lower prices are all too little understood by many persons who would include monopolies in their concept of free enterprise. Yet the whole theory of free enterprise emerged on the premise that competition would be the element that would cause unregulated business to serve the common good.

CONCLUSIONS AND RECOMMENDATIONS

No convincing case has been made that the Federal patent policy by which the Government takes title to the results of publicly financed research would seriously affect either the patent system or defense contracting, though desperate efforts have been made by interested parties to invoke these two arguments.

Adm. Hyman G. Rickover has stated that many firms are constantly urging the Atomic Energy Commission to give them more research and development contracts even though the Government takes title to the results and despite the alleged low rate of profit.[24]

The National Aeronautics and Space Administration has reported a few cases where the contractor refused a NASA research and development contract. A careful examination revealed, however, that the Department of Defense was willing to give the contractor a similar contract with more liberal patent provisions.[25] Under such circumstances, it was to the contractor's benefit to refuse the NASA contract and take the Department of Defense contract. To have two agencies of Government bidding against each other for the same contract is not conducive to the best interests of the United States, and the remedy for this situation is a greater uniformity of policy by changing that policy which is not in the public interest.

From the standpoint of growth, efficiency and the maintenance of a free competitive society and the defense of our country, it is essential that the Congress enact a law with these three features:

1. The U.S. Government should acquire title and full right of use and disposition of scientific and technical information obtained and inventions made at its direction and at its expense, subject to waiver of Government title when the equities of the situation so require.

2. Needless to say, the acquisition of title is not enough. Constructive use of the patents so acquired by the Government is required to achieve public benefit in return for the public funds invested in their development. For that reason, there should be established a Federal Inventions Administration which would administer all Government-owned patents and make necessary determinations in the administration of the act. The administration would be affirmatively charged with the duty of protecting the public interest in scientific and technological developments achieved through the activities of departments and agencies of the U.S. Government and would be charged with the dissemination of knowledge so developed in order to stimulate invention and innovation which will cut costs, produce new products, and increase per capita industrial production through efficiency and new technology.

In order to secure the fastest and fullest use of inventions, discoveries, and innovations, an expanded program of utilization of information readily available to all, the administration can engage in those activities necessary to carry out this function, such as aiding libraries to:

(a) acquire collections of publications having descriptions of inventions helpful to inventors, business, and the general public;

(b) inform business and industry (plants, factories, construction, and engineering organizations) of new techniques and innovations in their fields of interest;

(c) provide inventors and innovators with knowledge of advances in their areas of interest;

(d) give instructions in the use of technical, scientific and economic literature in libraries and schools.

3. The policy should stimulate discovery and invention in the public interest by providing for the making of generous monetary awards as well as public recognition to all persons who contribute to the United States for public use scientific and technological discoveries of significant value in the fields of national defense or public health or to any national scientific program, without regard to the patent ability of the contributions so made. This will serve as an incentive, which will elicit from private commercial or Government scientists their best efforts on behalf of the whole country.

In summary, the question for all of us is, Who shall control and who shall reap the fruits of our growing capacity to shape our future and our fate? Shall it be the special, and necessarily narrow, interests of private firms as against other firms? Or shall it be the people through their Government, ever cognizant of national capabilities and national needs, acting on behalf of the goals of our whole society?

Mr. DIRKSEN. Madam President, I ask unanimous consent that I may suggest the absence of a quorum and that the time necessary for the call of the roll not be charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 108]

Aiken	Fong	Neuberger
Bartlett	Hickey	Pastore
Bible	Holland	Prouty
Boggs	Jordan	Robertson
Bush	Keating	Saltonstall
Cannon	Kefauver	Smith, Maine
Carlson	Long, Mo.	Symington
Carroll	Long, Hawaii	Thurmond
Church	Long, La.	Tower
Curtis	Magnuson	Wiley
Dirksen	Mansfield	Williams, Del.
Ellender	Metcalf	Yarborough
Engle	Morton	Young, Ohio
Ervin	Moss	

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PELL], the Senator from Massachusetts [Mr. SMITH], and the Senator from Wyoming [Mr. MCGEE], are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

Mr. KUCHEL: I announce that the Senator from Indiana [Mr. CAPEHART] and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is absent because of illness.

The Senator from Nebraska [Mr. HRUSKA] and the Senator from North Dakota [Mr. YOUNG] are absent on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. MAGNUSON. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. ANDERSON, Mr. BEALL, Mr. BENNETT, Mr. BRIDGES, Mr. BUTLER, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CASE of New Jersey, Mr. CASE of South Dakota, Mr. COTTON, Mr. DODD, Mr. DOUGLAS, Mr. DWORSHAK, Mr. EASTLAND, Mr. FULBRIGHT, Mr. GORE, Mr. HART, Mr. HAYDEN, Mr. HICKENLOOPER, Mr. HILL, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVITS, Mr. JOHNSTON, Mr. KERR, Mr. KUCHEL, Mr. LAUSCHE, Mr. MCCLELLAN,

[23] "Patent Policies of Departments and Agencies of Federal Government," p. 19.

[24] Senator RUSSELL B. LONG and Vice Adm. H. G. Rickover, Conference on Patent Policies of Government Departments and Agencies—1960, Washington, D.C.: U.S. Senate, Apr. 8, 1960.

[25] "Patent Policies of Departments and Agencies of Federal Government," p. 271.

Mr. MCNAMARA, Mr. MILLER, Mr. MONRONEY, Mr. MUNDT, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RUSSELL, Mr. SCHOEPPEL, Mr. SCOTT, Mr. SMATHERS, Mr. SPARKMAN, Mr. STENNIS, Mr. TALMADGE, and Mr. WILLIAMS of New Jersey entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. HOLLAND. Madam President——

The PRESIDING OFFICER. The Senator from Illinois has control of the time.

Mr. HOLLAND. Madam President, will the Senator from Illinois yield, to enable me to make an insertion in the RECORD?

Mr. DIRKSEN. Madam President, I yield 30 seconds to the distinguished Senator from Florida.

NOMINATION OF SPOTTSWOOD WILLIAM ROBINSON III TO CIVIL RIGHTS COMMISSION

Mr. HOLLAND. Madam President, yesterday the Senate confirmed the nomination of Dean Spottswood William Robinson III, of Howard Law School, to be a member of the Civil Rights Commission. I note in today's New York Times a laudatory article about Dean Robinson entitled "Fighter for Civil Rights." I particularly call attention to this paragraph:

He was involved in so many civil rights cases at one time or another that it was a bit of a task making sure that he had severed all connections when President Kennedy nominated him to the Commission in April.

Madam President, I ask unanimous consent that the entire article may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIGHTER FOR CIVIL RIGHTS: SPOTTSWOOD WILLIAM ROBINSON III

WASHINGTON, July 27.—The highest scholastic average in the history of the Howard University Law School is held by Spottswood William Robinson III. "Intellectual" is the word people use to describe him. Howard is a Negro institution here, supported in part by the Federal Government. Mr. Robinson has been dean of its law school for the last 11 months. Today he was confirmed by the Senate as a member of the Civil Rights Commission. The southern Senators who opposed his nomination made an issue of his legal work for the National Association for the Advancement of Colored People.

Mr. Robinson has indeed been involved in work for the association, though his specialty in private practice was the law of real property. He argued three times before the Supreme Court on one of the historic school integration cases decided in 1954. He was legal representative in Virginia for the NAACP legal defense and educational fund for a number of years, and subsequently was its southeastern regional counsel until last fall.

He was involved in so many civil rights cases at one time or another that it was a bit of a task making sure that he had severed all connections when President Kennedy nominated him to the Commission in April.

WILL CONTINUE TO TEACH

Commission membership is a part-time job, at $50 a day once or twice each month. Mr. Robinson will continue to work full time at Howard, as a professor as well as dean. Last year he taught a course in torts and conducted two seminars.

Mr. Robinson is a native and lifetime resident of Richmond, Va.

Mr. Robinson's father was a lawyer, and there was never much doubt that he would follow suit. He went through public school in Richmond, then to Virginia Union University there, and then to the Howard Law School. He was graduated in 1939, magna cum laude.

He started his law career as a teacher at Howard, principally in property law. He took a leave of absence in 1947, from which he did not return until he was named dean last fall. In the meanwhile he practiced in Richmond, for general clients and the NAACP fund.

His argument in the school integration cases was on behalf of Negro students seeking admission to schools in Prince Edward County, Va. His other principal civil rights cases involved interstate bus travel, public parks, and restrictive covenants.

Mr. Robinson's manner is mild. "He is the precise opposite of a firebrand," said one man who knows him. "He is not the type you tell anecdotes about," said another.

The Robinsons live on the Howard campus, a few miles north and a little west of the Capitol, in a house they rent from the university. They also have a home in Richmond, where Mr. Robinson built himself a boat 8 years ago to use for fishing.

Mr. Robinson, who was 45 years old yesterday, is married to the former Marian Wilkerson of Richmond. They have two children in their twenties, Spottswood IV, who has just finished 5 years in the Air Force, and Nina, who is a graduate student at Howard.

MARINE SCIENCES AND RESEARCH ACT OF 1961

The Senate resumed the consideration of the bill (S. 901) to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and laboratory facilities, to expedite oceanographic instrumentation, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the public health and general welfare, and for other purposes.

Mr. SALTONSTALL. Madam President, will the Senator from Illinois yield to me?

Mr. DIRKSEN. Madam President, I yield 3 minutes to the distinguished Senator from Massachusetts.

Mr. SALTONSTALL. Madam President, the bill authorizes a 10-year, $700 million program for the advancement of marine sciences. With regret, I feel I must oppose it.

Marine research has been of great value to the State of Massachusetts and the entire New England region. The commercial fishing industry constitutes an important segment of our economy, and like other industries has been injured by foreign competition. This economic dilemma has become progressively worse in recent years. Local fishing grounds no longer yield the profitable catches of the past and New England fleets now need larger and more expensive ships to venture further out into the Atlantic to compete with 14 nations, including Russia, which boast better equipped and more modern ships.

I have sponsored and supported legislation which has assisted the fisherman to meet this foreign threat. Such measures include the Saltonstall-Kennedy Act of 1954, the Fish and Wildlife Act of 1956, certain fish tariffs, last year's fishing vessel construction subsidy measure, and appropriations for the Commercial Fisheries Technological Laboratory in Gloucester and the famous Woods Hole Biological Laboratory.

I have no doubt that New England and the entire Nation would benefit from a more intensified Federal program of marine research as provided in S. 901, and I am in accord with the goals of improved long-range weather predictions and navigation facilities, discovery of new foods, medicines, and minerals, and the bolstering of our undersea warfare potential which this legislation attempts to achieve.

However, I strongly object to the estimated cost of $700 million, which would cost the Federal Government an average of $70 million per year. This is over and above the request made by President Kennedy in his letter to Congress of March 29 in which he recommended a $97 million national oceanographic program for fiscal year 1962. I believe S. 901 to be too costly and should not be instituted until we shore up our armed services' programs and fulfill other commitments which are designed to reinforce our national security. Of course, we must continue to support vital domestic policies to strengthen our economy and Nation, but we must evidence discretion in indiscriminately initiating new programs involving heavy expenses until the outlook for an enduring international peace is more promising.

It is time Congress began exercising more fiscal restraint and responsibility. Our appropriations this year for several depressed areas and housing, for instance, are excessive. If we continue to enlarge the scope of Government activities by constantly engaging in new undertakings, we threaten to seriously jeopardize the soundness of our economy. These and other increased expenditures of the administration's are chiefly responsible for an expected budget deficit in the neighborhood of $8 billion for the next fiscal year. This deficit may well help to trigger an inflationary spiral which will affect the pensions, savings, and weekly paychecks of all Americans. It comes at a time of world tension when, more than ever before, we must demonstrate economic strength. Such a display will require both legislative prudence and sacrifice. S. 901 provides us with the opportunity to now draw a line between legislation which is necessary and that which is desirous.

This bill also duplicates other oceanographic proposals; I have already mentioned the President's broad national oceanographic program which he submitted to Congress earlier this year. This bill also is similar to H.R. 6845, which the Senate passed this session, and

which also gives the Coast Guard authority to conduct oceanographic research. This measure is now in conference.

It should also be noted that several Government agencies are currently conducting expanded oceanographic research and development programs. These agencies object to S. 901 because it would inhibit the flexibility of their programs. In addition, the placement of a 10-year limitation on costs does not take into account the probable modifications which will result over the years from changes in agency requirements and technological advancements, and which would also inevitably result in frequent changes and additional appropriations by Congress to the already expensive program.

Finally, I do not think this measure places enough emphasis upon the training of young scientists. Such training constitutes an important segment to an effective long-range program.

For these reasons, I hope the Senate will reject the measure, even though I concur with the worthy principles embodied in its provisions.

Mr. KEATING. Madam President, will the Senator from Massachusetts yield?

Mr. SALTONSTALL. I yield.

Mr. KEATING. I commend the Senator from Massachusetts upon his very timely statement. I am impressed by the fact that according to the report, as I understand it, seven of the nine Government agencies which were asked to comment on the bill, namely, the Treasury, the OCDM, the National Science Foundation, the Navy Department, the Department of the Interior, the Department of Commerce, and the Atomic Energy Commission, rendered adverse reports.

Mr. SALTONSTALL. That is my understanding.

Mr. KEATING. It is particularly significant that the National Science Foundation rendered an adverse report, since that is the agency for which a large part of the authorization is supposed to be provided.

The National Science Foundation, which certainly should know what is and what is not required in this field, opposes this program on the ground that it will hamper the flexibility of our existing programs of research in oceanography. It is simply not possible to design a detailed program for the next 10 years in a field that is changing as rapidly as oceanography. The opinion of the National Science Foundation deserves particular attention in this matter, because the Foundation is actually declining to add a new agency to its dominion. This is surely an unusual performance for a department of the Government, and deserves to be admired and to be observed with respect.

Besides the National Science Foundation, the Navy, the Department of Interior, and the Treasury, all of which would receive sizable additional authorizations under this bill, have forthrightly declared that this legislation is not necessary. That is not to say that the objectives of this bill are not praiseworthy or desirable, under normal circumstances. It is simply to say that the bill is not now necessary. The word "necessary" is one that we are going to hear more and more in the weeks and months ahead. In light of the critical world situation that the President described the other night, and which many of us have seen coming for some time, this Nation cannot afford to indulge, at the present time, in programs that in normal times might be desirable but which are not now necessary.

The President has said that we must make sacrifices. I think that this is just the sort of thing that he had in mind and that is one of the reasons so many Government departments oppose this bill. This program, if enacted, would cost a total of $700 million. Is this a time that we can afford to spend $700 million on a program of this kind, which makes little direct contribution to our Nation's defense? I am afraid not. I support the objectives of oceanographic research. I favor the continuation of existing research efforts, as called for by the President. But I do not favor this massive increase of Federal expenditures for a nondefense purpose at this time.

Mr. SALTONSTALL. I thank the Senator from New York.

TRIBUTE TO LT. GEN. ARTHUR G. TRUDEAU

Mr. PROUTY. Madam President, will the Senator from Illinois yield time to me?

Mr. DIRKSEN. Madam President, I yield 3 minutes to the distinguished Senator from Vermont.

Mr. PROUTY. Madam President, Lt. Gen. Arthur G. Trudeau, Chief of the Army's research and development, along with other distinguished, patriotic Americans, has had another "medal" pinned on him. I speak only of General Trudeau because he is a native of my State and a personal and highly esteemed friend. The "medal" is the attack on him by the official organ of the Communist Party, U.S.A., the Worker. The article containing the attack was placed in the CONGRESSIONAL RECORD of July 26 by the distinguished junior Senator from South Carolina [Mr. THURMOND].

To be attacked by the Communists is an honor for an American and a recognition of patriotic duty well done, for otherwise they would not bother to attack.

The Worker article quoted in the RECORD states:

> There is a not-so-secret memo being circulated in the Pentagon calling for open intervention aimed at overthrowing some of the Socialist governments. It is being circulated among senior military officers by the Army Research and Development Chief, Lt. Gen. Arthur G. Trudeau.

I know nothing about the memo referred to, or even if it exists, but I know General Trudeau, and I know that his patriotism, his honesty, and his integrity are beyond impeachment. Whatever he does, he does with the sincere intent of aiding and defending his country. He has devoted more than 40 years of his life to the service of his country, and he has served it well. This very day he is in the Far East on a mission of importance to his country and the free world.

Lt. Gen. Arthur G. Trudeau, Chief of Research and Development of the U.S. Army, is a native of Middlebury, Vt., and a West Point graduate, class of 1924.

From the day that he was commissioned a second lieutenant in the Corps of Engineers to this moment, when he bears the burdens of three-star responsibilities, he has served our Nation with distinction, worldwide, in positions of command and staff.

Eight times General Trudeau has been decorated by our country, twice for gallantry in action. Five foreign nations and the United Nations likewise have honored him.

Time permits me to cover but a few of the highlights of his career:

Early in World War II he was one of our leading experts in amphibious operations.

In 1944 he was promoted to the rank of brigadier general and appointed as Director of Military Training, Army Service Forces.

At the war's close in 1946, he was named Chief of Manpower Control Group, General Staff, Washington, D.C.

In 1948 he was commander of the First Constabulary Brigade in Germany; and in 1950, First Deputy Commandant of the reactivated Army War College.

In 1952, during the Korean war, he was called to command the 1st Cavalry Division in Japan and the 7th Infantry Division in Korea. Troops of that command fought the historic battle of Pork Chop Hill.

In November 1953, after the conclusion of the fighting in Korea, he was ordered back to Headquarters, Washington, and assigned as Assistant Chief of Staff for Intelligence.

In 1955, again in Japan, he was made Deputy Chief of Staff, Far East and United Nations Command, and 1 year later he was promoted to the rank of lieutenant general, commander of the I Corps group in Korea.

In 1958, General Trudeau, engineer, planner, administrator, teacher, trainer, and fighting man, was assigned the challenging position which today he holds as Chief of Army Research and Development.

There is nothing I can say that will add to this glorious record, and there is nothing the Communists can say that will besmirch it.

Should General Trudeau receive a promotion before June of next year, his invaluable services will still be available to the Nation. Otherwise he would routinely be retired because of age. In these dangerous times it would be tragic for the Nation to lose this irreplaceable storehouse of knowledge and experience.

Fortunately, according to the press, both the President and the Military Establishment are seeking ways in which General Trudeau's background can best be utilized in the interest of his country.

The press has reported that he was one of those under consideration by the President as his personal Chief of Staff, an assignment which went to another

great military man, Gen. Maxwell Taylor. Incidentally, when General Taylor was placed in charge of our fighting forces in Korea, the first man he sent for to place in charge of a division was General Trudeau. Later, when he was Chief of Staff, General Taylor called on General Trudeau to replace General Gavin as Chief of Army Research and Development.

Reports have also been published in the press that General Trudeau is now being considered as a replacement for Gen. Clyde D. Eddleman, who, it is understood, is scheduled for retirement as Vice Chief of Staff in January 1962.

The newspapers have also published articles stating that General Trudeau may be in line for the position of Director of the Central Intelligence Agency, if and when the present director, Allen Dulles, retires.

However he may be used, used he must be, for the United States cannot afford to lose the knowledge, the experience, and the rare qualities of General Trudeau.

MARINE SCIENCES AND RESEARCH ACT OF 1961

The Senate resumed the consideration of the bill (S. 901) to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and laboratory facilities, to expedite oceanographic instrumentation, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the public health and general welfare, and for other purposes.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from Minnesota [Mr. HUMPHREY].

The PRESIDING OFFICER (Mr. METCALF in the chair). The Senator from Minnesota is recognized for 2 minutes.

Mr. HUMPHREY. I thank the Senator from Illinois for yielding to me.

Mr. President, I am pleased indeed at having the opportunity today to vote for the oceanography bill which is now before us. There has been a lot of talk and a lot of stories on outer space and our efforts to explore it. And this is good. But there has been all too little attention focused on what the Commerce Committee in its report so aptly calls the neglected frontier; namely, study of the world's oceans and the Great Lakes. This bill is an effort to set in motion a national program to increase our knowledge of marine science.

Representing a State which borders on the Great Lakes—the largest body of fresh water in the world—this bill is of very special interest to me. It is a subject in which I have long been interested, and I have stressed time and time again the necessity of our doing more, much more, study in this area.

I am proud to note that serving on the Committee on Oceanography, which has played such an important role in focusing our attention on this subject, has been Dr. Athelstan Spilhaus, dean of the University of Minnesota's Institute of Technology.

Passage of this measure will set in motion an exciting and monumental program of research into the mysteries of the sea and the Great Lakes.

With passage of this bill we stand on the threshold of a bold and exciting venture into the unknown. The benefits to be derived are numerous. They cover health, defense, transportation, food, fuel, medicine and many other fields as well.

I note with great interest in the committee's report that the country which is giving the greatest attention to oceanography research is the Soviet Union which has more research ships in operation than all of the free world put together.

Mr. President, this is a shocking situation. We should be ashamed that a country such as the U.S.S.R., which was nothing more than a feudal land 40 years ago, should have stolen the ball in this area. It is time that we woke up. It is time that we move forward in this area and put our scientific brainpower and industrial might to work to unleash the secrets of the seas.

In conclusion, I want to commend the Commerce Committee and its distinguished chairman, Mr. MAGNUSON, for the fine work that has been done on this proposal. Few proposals have come before the Congress which can do as much to advance scientific knowledge and contribute to the improvement of the welfare of mankind.

POPE JOHN XXIII'S SOCIAL ENCYCLICAL, "MATER ET MAGISTRA"

Mr. HUMPHREY. Mr. President, I can think of no more appropriate time than now, on the eve of Senate consideration of the foreign aid bill, to direct attention to the social encyclical entitled "Mater et Magistra," issued this month by Pope John XXIII.

This encyclical by a great spiritual leader, scholar, and humanitarian expresses in clear and eloquent language the Catholic Church's concern with the problems man faces in the mid-20th century and the need for reconstruction of social relationships in truth, justice, and love.

One of the major points of this encyclical deals with the relationship between wealthy nations and the underdeveloped areas which Pope John calls probably the most difficult problem of the modern world.

On this issue Pope John states:

> The solidarity which binds all men and makes them members of the same family requires political communities enjoying an abundance of material goods not to remain indifferent to those political communities whose citizens suffer from poverty, misery, and hunger, and who lack even the elementary rights of the human person.
>
> This is particularly true since, given the growing interdependence among the peoples of the earth, it is not possible to preserve lasting peace if glaring economic and social inequality among them persists.
>
> Mindful of our role of universal father, we feel obliged to stress solemnly what we have stated in another connection: "We are all equally responsible for the undernourished peoples. Therefore, it is necessary to educate one's conscience to the sense of responsibility which weighs upon each and everyone, especially upon those who are more blessed with this world's goods."

Mr. President, it is this responsibility to those in the world who have all too little of worldly goods; that is the basic reason behind our foreign aid program. This program is based upon humanitarian and morally sound principles in keeping with the teachings of the great religious bodies of the Western World.

This encyclical is so important, Mr. President, that I feel that its text should be placed in the RECORD, so as to permit all interested Members of Congress to read it in full. Therefore, I ask unanimous consent, Mr. President, that editorial comments and articles on this encyclical from several of our leading newspapers and magazines, all speaking in the most commendatory terms, be inserted in the RECORD, following the text of the encyclical itself.

There being no objection, the encyclical and the editorials and articles were ordered to be printed in the RECORD, as follows:

To Our Venerable Brethren, the Patriarchs, Primates, Archbishops, Bishops and Other Ordinaries, in Peace and Communion With the Apostolic See, and to All the Clergy and Faithful of the Catholic World:

Venerable brethren and dear sons, health and apostolic benediction.

Mother and teacher of all nations, the universal church has been instituted by Jesus Christ so that all who in the long course of centuries come to her loving embrace may find fullness of higher life and guarantee of salvation.

To this church, "the pillar and ground of truth," her Most Holy Founder has entrusted the double task of begetting children and of educating and governing them, guiding with maternal providence the life both of individuals and of peoples, the dignity of which she has always held in the highest respect and guarded with watchful care.

Christianity is truly a joining together of earth with heaven in that it takes man concretely, spirit and matter, intellect and will, and invites him to raise his mind above the changing conditions of earthly existence to the heights of eternal life which will be consummated in unending happiness and peace.

Hence although the holy church has the special task of sanctifying souls and making them participants in goods of the supernatural order, she is also solicitous for the exigencies of the daily life of men, not merely those concerning the nourishment of the body and the material conditions of life, but also those that concern prosperity and culture in all its many aspects and stages.

In this activity the church is carrying out the command of her founder, Christ, who refers primarily to man's eternal salvation when he says, "I am the way and the truth and the life" and "I am the light of the world." On other occasions, however, seeing the hungry crowd, He was moved to exclaim. "I have compassion on this multitude," thereby showing that He was also concerned about the earthly needs of men. The Divine Redeemer shows this care not only by His words but also by the actions of His life, as when to alleviate the hunger of the crowds He several times miraculously multiplied bread. By means of this bread, given for the nourishment of the body, He wished to preannounce that heavenly food of the soul which He was to give to men on the vigil of His Passion.

It is no wonder then that the church, in imitation of Christ and in fulfilment of His command, has for 2,000 years, from the institution of the early deacons to the present time, held aloft the torch of charity by her teaching and her generous example. It has held aloft the torch of that charity which, by harmoniously blending together the precepts and the practice of mutual love, puts into effect in a wonderful way the commandment of the twofold giving by word and by deed in which is summarized the social teaching and activity of the church.

An outstanding instance of this teaching and action, carried on by the church throughout the ages, is undoubtedly the immortal encyclical, "Rerum Novarum," issued 70 years ago by our predecessor Leo XIII, of happy memory to enunciate the principles according to which the question of the worker could be settled in a Christian manner.

Seldom have the words of a pontiff had such universal repercussions on account of the profundity of the arguments used, their scope and incisiveness. Indeed these directives and appeals have had such importance that they can never fall into oblivion.

A new path was opened for the action of the church, whose supreme pastor by making his own the suffering, cries and aspirations of the lowly and oppressed, once again constituted himself the guardian of their rights.

Even today, in spite of the long lapse of time, the power of that message is still operative in the documents of the Popes who succeeded Leo XIII, and who in their social teaching repeatedly return to the Leonine encyclical, at one time to draw inspiration from it, at another to clarify its application, but always to find in it a stimulus to Catholic activity.

That power is also operative in the very legislation of nations. This is a sign that the solidly grounded principles, the historical directives and the paternal appeals contained in the masterly encyclical of our predecessor preserve today their value and even suggest new and vital criteria so that men can judge the nature and extent of the social question as it presents itself today and can face up to their respective responsibilities.

PART I. TEACHING OF THE ENCYCLICAL RERUM NOVARUM AND DEVELOPMENT IN THE DOCTRINE OF PIUS XI AND PIUS XII

Period of Rerum Novarum

Leo XIII spoke in a time of radical transformations, of heightened contrasts and of bitter revolt. The shadows cast by that period enable us to appreciate more accurately the light that radiated from his teaching.

As is well known, the conception of the economic world that was most widely accepted at that time and very largely carried out in practice, was a naturalistic one that denied any relation between economic activity and morality.

It was alleged that the only motive of economic action was personal profit. The supreme rule regulating the relations between economic agents was free competition without limit. Interest on capital, prices of goods and services, profits and wages, were determined purely mechanically by the laws of the market.

The state, it was held, should refrain from all intervention in the economic field. Trade unions, according to the conditions of the different countries, were either forbidden, tolerated, or considered to have legal personality in private law.

In an economic world thus constituted, the law of the strongest was fully justified on theoretical grounds, and in practice governed the concrete relations between men. There thus resulted an economic order that was radically deranged.

While enormous riches accumulated in the hands of a few, the working classes found themselves in conditions of increasing hardship. Wages were insufficient or at starvation level, conditions of work were oppressive and without respect for physical health, moral behavior, and religious faith.

Especially inhuman were the working conditions to which children and women were subjected. The specter of unemployment was ever present and the family was exposed to a process of disintegration.

Hence, there was widespread dissatisfaction among the working classes, among whom a spirit of protest and revolt permeated and grew stronger. All these things explain why among these classes extremist theories that propounded remedies worse than the evil to be cured found widespread favor.

The Way of Reconstruction

In such difficult times, it was for Leo XIII to proclaim his social message based on the very nature of man and animated by the principles and spirit of the gospel. It was a message that on its very appearance, in spite of some understandable opposition, aroused widespread admiration and enthusiasm.

This was certainly not the first time that the apostolic see descended into the arena of earthly interest in defense of the needy. Other documents of Leo XIII had previously marked out the path.

But here was formulated an organic synthesis of principles joined to such a wide historical perspective that the encyclical "Rerum Novarum" became a summary of Catholicism in the economic-social field.

This action was not without hazard, because while some alleged that the church, face to face with the social question, should confine herself to preaching resignation to the poor and to exhorting the rich to generosity, Leo XIII did not hesitate to proclaim and defend the legitimate rights of the worker.

At the outset of his exposition of Catholic teaching on social matters, he solemnly declared: "We approach the subject with confidence and in the exercise of the rights which belong to us. For no practical solution of the question will ever be found without the assistance of religion and the church."

To you, venerable brethren, are well known those basic principles, expounded with as much authority as clarity by the immortal pontiff, according to which the economic-social sector of human society should be reconstituted.

They first and foremost concern work, which ought to be valued and treated not just as a commodity but as an expression of the human person.

For the great majority of mankind, work is the only source from which they draw their means of livelihood, and so its remuneration cannot be left to the mechanical play of market forces. Instead, it should be determined by justice and equity, which otherwise would be profoundly harmed even if the contract of work should have been freely entered into by both parties.

Private property, including that of productive goods, is a natural right which the state cannot suppress. Embedded within it is a social function, and it is, thus, a right that is exercised for one's personal benefit and for the good of others.

The state, the reason for whose existence is the realization of the common good in the temporal order, cannot keep aloof from the economic world. It should be present to promote in a suitable manner the production of a sufficient supply of material goods, "the use of which is necessary for the practice of virtue," and to watch over the rights of all citizens, especially of the weaker, such as workers, women and children. It is also its ineluctable task to contribute actively to the betterment of the condition of life of the workers.

Condition of Life of Workers

It is further the duty of the state to see to it that work relations are regulated according to justice and equity and that in the environment of work the dignity of the human being is not violated in body or spirit.

On this point attention is drawn to the guiding lines of the Leonine encyclical on which the social legislation of modern nations has been patterned and which, as Pius XI already noted in the encyclical "Quadragesimo Anno," have contributed efficaciously to the rise and development of a new and most desirable branch of jurisprudence, namely labor law.

In the encyclical the right of the workers alone, or of groups made up of workers and owners, to associate is declared to be natural, as are also the right to adopt that organizational structure which the workers consider most suitable to attain their legitimate economic-professional interests, and the right to act autonomously and by personal initiative within the associations for the achievement of these ends.

Workers and employers should regulate their mutual relations under the inspiration of the principle of human solidarity and Christian brotherhood, because both competition in the liberal sense and the class struggle in the Marxist sense are contrary to nature and the Christian conception of life. These, venerable brethren, are the fundamental principles on which a healthy economic-social order can be built.

It is not surprising, therefore, that the more ably endowed Catholics, responsive to the appeals of the encyclical, began many activities in order to translate these principles into reality.

Indeed, under the impulse of objective needs of a similiar nature, men of good will from all the nations of the earth were also moved to act in a similar manner.

For these reasons, the encyclical was rightly acknowledged as the Magna Carta of the economic-social reconstruction of the modern era.

The encyclical "Quadragesimo Anno"

Pius XI, our predecessor of holy memory, after a lapse of 40 years, commemorated the encyclical "Rerum Novarum" with another solemn document, the encyclical "Quadragesimo Anno."

In it the supreme pontiff confirmed the right and duty of the church to make its irreplaceable contribution to the correct solution of the pressing and grave problems that beset the human family. He confirms the fundamental principles and the historic directives of the Leonine encyclical.

In addition, he took the opportunity to make more precise some points of that teaching on which, even among Catholics, some doubts had arisen, and to reformulate Christian social thought in response to the changed conditions of the times.

The doubts that had thus arisen concerned particularly private property, the wage system and the attitude of Catholics toward a type of moderate socialism.

Concerning private property, our predecessor reaffirms its natural law character and emphasizes its social aspect with its corresponding function.

Turning to the wage system, he rejects the view that would declare it unjust by its very nature. But, at the same time, he condemns the inhuman and unjust forms under which it is often found. He repeats and enlarges upon the criteria to be used and the conditions to be satisfied if the wage system is not to violate justice or equity.

On this point, our predecessor clearly points out that, in the present circumstances, it is advisable that the contract of work be modified by elements taken from the contract of partnership, in such a way that "the wage earners are made sharers in some sort in the ownership, or the management, or the profits."

Of the greatest doctrinal and practical importance is his affirmation that "if the social and individual character of labor be overlooked, it can be neither equitably appraised nor properly recompensed according to strict justice."

Hence, the Pope declares that in determining wages, justice requires that, in addition to the needs of the individual workers and their family responsibilities, one should also consider both the conditions in the productive organizations in which the workers carry on their labor and the demands of "the public economic good."

He emphasizes that the opposition between communism and Christianity is fundamental, and makes it clear that Catholics are in no way permitted to be supporters of moderate socialism because its concept of life is bounded by time, inasmuch as it places its supreme objective in the welfare of society, and because it either proposes a form of social structure that aims solely at production, thus causing grave loss to human liberty, or lacks every principle of true social authority.

Pius XI was not unaware that, in the 40 years that had passed since the appearance of the Leonine encyclical, historical conditions had profoundly altered.

In fact, free competition, due to its own intrinsic tendencies, had ended by almost destroying itself. It had caused a great accumulation of wealth and a corresponding concentration of economic power in the hands of a few who "are frequently not the owners, but only the trustees and directors of invested funds, who administer them at their good pleasures."

Therefore, as the Pope discerningly notes: "Free competition is dead; economic dictatorship has taken its place. Unbridled ambition for domination was succeeded by the desire for gain; the whole economic life has become hard, cruel, and relentless in a ghastly measure," thus subjecting the public authority to the interests of groups and issuing forth in international imperialism in financial affairs.

To remedy such a state of affairs, the Pope points out as fundamental the reinstatement of the economic world in the moral order and the striving for individual or group interests within the framework of the common good.

This implied, according to his teaching, the reconstruction of human society by the reconstituting of intermediate bodies, autonomous in their economic-professional finality and not imposed by the state but created by the respective members.

Public authority should resume its duties of promoting the common good of all.

Finally, there should be cooperation on a world scale even in economic matters among the nations.

The fundamental points that characterize the masterly encyclical of Pius XI can be reduced to two.

The first is that one cannot take as the supreme criteria of economic activities and institutions the interest of individuals or of groups, nor free competition nor economic power, nor the prestige or power of the nation, nor other similar criteria.

Instead, the supreme criteria of such activities and institutions are justice and social charity.

The second is that men should strive to achieve a national and international juridical order with a complex of public and private permanent institutions inspired by social justice, to which the economic sector should be conformed, thus making it less difficult for economic agents to carry out their tasks in conformity with the demands of justice and within the framework of the common good.

(Radio message of Pentecost 1941)

In defining and developing the Christian social doctrine great contributions have been made by Pope Pius XII. Our predecessor of venerable memory, who on the feast of Pentecost, June 1, 1941, broadcast a message "in order to call to the attention of the Catholic world a memory worthy of being written in letters of gold on the calendar of the church: the 50th anniversary of the publication of the epoch-making social encyclical of Leo XIII, "Rerum Novarum," and "to render to Almighty God from the bottom of our heart our humble thanks for the gift which * * * He bestowed on the church in that encyclical of His vicar on earth and to praise Him for the lifegiving breath of the spirit which through it, in ever growing measure from that time on, has blown on all mankind."

In the radio message the great pontiff claims for the church "the indisputable competence to decide whether the bases of a given social system are in accord with the unchangeable order which God our Creator and Redeemer has shown us through the natural law and revelation."

He confirms the perennial vitality and inexhaustible rightness of the teaching of the encyclical "Rerum Novarum."

He takes the occasion "to give some further directive moral principles on three fundamental values of social and economic life. These three fundamental values, which are closely connected one with the other, mutually complementary and dependent, are: The use of material goods, labor, and the family."

Concerning the use of material goods, our predecessor declares that the right of every man to use them for his own sustenance is prior to every other right of economic import and so is prior to the right to property.

Undoubtedly, adds our predecessor, the right to property in material goods is also a natural right. Nevertheless, in the objective order established by God, the right to property should be so arranged that it is not an obstacle to the satisfaction of "the unquestionable need that the goods, which were created by God for all men, should flow equally to all, according to the principles of justice and charity."

Taking up a point that occurs in the Leonine encyclical, Pius XII declares that work is at one and the same time a duty and a right of every human being. Consequently, it is for men in the first place to regulate their mutual relations of work.

Only in the event that the interested parties do not or cannot fulfill their functions, does "it fall back on the state to intervene in the field of labor and in the division and distribution of work according to the form and measure that the common good properly understood demands."

In dealing with the family, the supreme pontiff affirms that private ownership of material goods is also considered as being linked with "the existence and development" of the family, that is to say with an apt means "to secure for the father of a family the healthy liberty he needs in order to fulfill the duties assigned him by the Creator regarding the physical, spiritual and religious welfare of the family."

In this also is included the right to emigrate. On this point our predecessor observes that when the states, both those that permit emigration and those that accept immigrants, try to eliminate "as far as possible all obstacles to the birth and growth of real confidence" among themselves, mutual advantages result, and together they contribute to the well-being of mankind and the progress of culture.

The situation, already changed during the period mentioned by Pius XII, has undergone in these two decades profound transformations both in the internal structure of each political community and in their mutual relations.

In the field of science, technology and economics: The discovery of nuclear energy, its application first to the purposes of war and later its increasing employment for peaceful ends; the unlimited possibilities opened up by chemistry in synthetic products; the growth of automation in the sectors of industry and services; the modernization of the agricultural sector; the virtual disappearance of distances through communication effected especially by radio and television; the increased speed in transportation; the initial conquests of interplanetary space.

In the social field: the development of systems for social insurance and, in some more economically advanced political communities the introduction of social security systems; in labor movements the formation of, and the increased importance attached to, a more responsible attitude toward the greater socioeconomic problems; a progressive improvement of basic education; an ever wider distribution of welfare; an increased social mobility and the resulting decline in the divisions among the classes; the interest in world events on the part of those with an average education.

Furthermore, the increased efficiency of economic systems in a growing number of political communities helps to underscore the lack of economic-social balance between the agricultural sector on the one hand and the sector of industry and services on the other; between economically developed and less developed areas within the individual political communities; and on a worldwide plane, the even more pronounced socioeconomic inequality existing between economically advanced countries and those in the process of development.

In the political field: the participation in public life in many political communities of an increasing number of citizens coming from diverse social strata; a more extensive and deeper activity of public authorities in the economic and social field.

To these must also be added, on the international level, the end of colonial regimes and the attainment of political independence of the peoples of Asia and Africa; the growth of close relationships between the peoples and a deepening of their interdependence; the appearance on the scene and development of an ever growing network of organizations with a worldwide scope and inspired by supranational criteria: organizations with economic, social, cultural and political ends.

Reasons for new encyclical

Therefore we feel it our duty to keep alive the torch lighted by our great predecessors and to exhort all to draw from it inspiration and orientation in the search for a solution to social problems more adapted to our times.

For this reason, on the occasion of the solemn commemoration of the Leonine encyclical, we are happy to have the opportunity to confirm and specify points of doctrine already treated by our predecessors and, at the same time, to elucidate further the mind of the church with respect to the new and more important problems of the day.

PART II. EXPLANATION AND DEVELOPMENT OF THE TEACHING IN "RERUM NOVARUM"

Private initiative and intervention of public authorities in economics

First of all, it should be affirmed that the economic order is the creation of the personal initiative of private citizens themselves, working either individually or in association with each other in various ways for the prosecution of common interests.

But here, for the reasons our predecessors have pointed out, the public authorities must not remain inactive if they are to promote productive development in a proper way on behalf of social progress for the benefit of all citizens.

Their action, whose nature is to direct, stimulate, coordinate, supply and integrate, should be inspired by the "principle of subsidiarity" formulated by Pius XI in the encyclical "Quadragesimo Anno":

"This is a fundamental principle of social philosophy, unshaken and unchangeable. Just as it is wrong to withdraw from the individual and commit to the community at large what private enterprise and industry can accomplish, so too it is an injustice, a grave evil and a disturbance of right order for a larger and higher organization to arrogate to itself functions which can be performed efficiently by smaller and lower bodies, of its very nature, the true aim of all social activity should be to help individual members of the social body, but never to destroy or absorb them."

It cannot be denied that today the development of scientific knowledge and productive technology offers the public authorities concrete possibilities of reducing the inequality between the various sectors of production, between the various areas of political communities and between the various countries themselves on a worldwide scale.

This development also puts it within their capability to control fluctuations in the economy and, with hope of success, to prevent the recurrence of massive unemployment.

Consequently, those in authority, who are responsible for the common good, feel the need not only to exercise in the field of economics a multiform action, at once more vast, more profound and more organic, but also it is required, for this same end, that they give themselves suitable structures, tasks, means and methods.

But the principle must always be reaffirmed that the presence of the state in the economic field, no matter how widespread and penetrating, must not be exercised so as to reduce evermore the sphere of freedom of the personal initiative of individual citizens, but rather so as to guarantee in that sphere the greatest possible scope, by the effective protection for each and all, of the essential personal rights, among which is to be numbered the right that individual persons possess of being always primarily responsible for their own upkeep and that of their own family, which implies that in economic systems the free development of productive activities should be permitted and facilitated.

For the rest, historic evolution itself puts into relief, even more clearly that there cannot be a well ordered and fruitful society without the support in the economic field both of the individual citizen and of the public authorities; a working together in harmony in the proportions corresponding to the needs of the common good in the changing situations and vicissitudes of human life.

Experience, in fact, shows that where the personal initiative of individuals is lacking, there is political tyranny. But there is also stagnation in the economic sectors engaged in the production especially of the wide range of consumer goods and services which pertain, in addition to material needs, to the requirements of the spirit—goods and services which call into play in a special way the creative talents of individuals.

While, where the due services of the state are lacking or defective, there is incurable disorder and exploitation of the weak on the part of the unscrupulous strong who flourish in every land and at all times, like the cockle among the wheat.

Socialization

Origin and Scope

One of the typical aspects which characterizes our epoch is socialization, understood as the progressive multiplication of relations in society, with different forms of life and activity, and juridical institutionalization.

This is due to many historical factors, among which must be numbered technical and scientific progress, a greater productive efficiency and a higher standard of living among citizens.

Socialization is, at one and the same time, an effect and a cause of the growing intervention of the public authorities in even the most crucial matters, such as those concerning the care of health, the instruction and education of the younger generation, the controlling of professional careers and the methods of care and rehabilitation of those variously handicapped.

But it is also the fruit and expression of a natural tendency almost irrepressible in human beings, the tendency to join together to attain objectives which are beyond the capacity and means at the disposal of single individuals.

A tendency of this sort has given life, especially in these last decades, to a wide range of groups, movements, associations and institutions with economic, cultural, social, sporting, recreational, professional and political ends, both within single national communities and on an international level.

Evaluation

It is clear that socialization, so understood, brings many advantages. It makes possible, in fact, the satisfaction of many personal rights, especially those called economic-social, such as, for example, the right to the indispensable means of human maintenance, to health services, to instruction at a higher level, to a more thorough professional formation, to housing, to work, to suitable leisure and to recreation.

In addition, through the evermore perfect organization of modern means for the diffusion of thought—press, cinema, radio, television—it is made possible for individuals to take part in human events on a worldwide scale.

At the same time, however, socialization multiplies the forms of organization and makes the juridical control of relations between men of every walk of life evermore detailed.

As a consequence, it restricts the range of the individual as regards his liberty of action. It uses means, follows methods, and creates an atmosphere which makes it difficult for each one to think independently of outside influences, to work of his own initiative, to exercise his responsibility, and to affirm and enrich his personality.

Ought it to be concluded, then, that socialization, growing in extent and depth, necessarily reduces men to automatons? This is a question which must be answered negatively.

For socialization is not to be considered as a product of natural forces working in a deterministic way.

It is, on the contrary, as we have observed, a creation of men, of beings conscious, free, and intended by nature to work in a responsible way even if in their so acting they are obliged to recognize and respect the laws of economic development and social progress and cannot escape from all the pressures of their environment.

Hence, we consider that socialization can and ought to be realized in such a way as to draw from it the advantages contained therein and to remove or restrain the negative aspects.

For this purpose, then, it is required that a sane view of the common good be present and operative in men invested with public authority, a view which is formed by all those social conditions which permit and favor for the human race the integral development of their personality.

Moreover, we consider necessary that the intermediary bodies and the numerous social enterprises, in which above all socialization tends to find its expression and its activity, enjoy an effective autonomy in regard to the public authorities and pursue their own specific interests in loyal collaboration between themselves, subordinate, however, to the demands of the common good.

For it is no less necessary that the above-mentioned groups present the form and substance of a true community; that is, that the individual members be considered and treated as persons and encouraged to take an active part in their life.

In the development of the organizations of modern society, order is realized evermore with a renewed balance between the need of the autonomous and active collaboration of all, individuals and groups, and the timely coordination of the direction of the public authority.

So long as socialization confines its activity within the limits of the moral order, along the lines indicated, it does not of its nature entail serious dangers of restriction to the detriment of individual human beings.

Instead, it helps to promote in them the expression and development of truly personal characteristics. It produces, too, an organic reconstruction of society, which our predecessor Pius XI in the encyclical "Quadragesimo Anno" put forward and defended as the indispensable prerequisite for satisfying the demands of social justice.

Remuneration of work

Standards of Justice and Equity

Our heart is filled with a deep sadness in contemplating the immeasurably sorrowful spectacle of vast numbers of workers in many lands and entire continents who are paid wages which condemn them and their families to subhuman conditions of life.

This is doubtless due, among other reasons, to the fact that in these countries and continents the process of industrialization is just beginning or is still insufficiently developed.

In some of these countries, however, there stands in harsh and offensive contrast to the wants of the great majority the abundance and unbridled luxury of the privileged few.

In still other countries, the present generation is compelled to undergo inhuman privations in order to increase the output of the national economy at a rate of acceleration which goes beyond the limits permitted by justice and humanity, while in other countries a notable percentage of income is absorbed in building up or furthering an ill-conceived national prestige, or vast sums are spent on armaments.

Moreover, in the economically developed countries it not rarely happens that while great and sometimes very great remuneration is made for the performance of some small task, or one of doubtful value, the diligent and profitable work of whole classes of decent, hard-working men receives a payment that is much too small, insufficient or in no way corresponding to their contribution to the good of the community, to the profit of the undertakings in which they are engaged or to the general national economy.

We judge it, therefore, to be our duty to reaffirm once again that the remuneration of work, just as it cannot be left entirely to the laws of the market, so neither can it be fixed arbitrarily.

It must rather be determined according to justice and equity. This requires that workers should be paid a wage which allows them to live a truly human life and to face up with dignity to their family responsibilities.

But it requires, too, that, in the assessment of their remuneration, regard be had to their effective contribution to the production and the economic state of the enterprise, to the requirement of the common good of the respective political communities, especially with regard to the repercussions on the overall employment of the labor force in the entire country, and also to the requirements of the universal common good, that is, of international communities of different nature and scope.

It is clear that the standards of judgment set forth above are binding always and everywhere, but the degree according to

which concrete cases are to be applied cannot be established without reference to the available wealth, wealth which can vary in both quantity and quality and which can, and in fact does, vary from country to country and within the same country from time to time.

Process of adjustment between economic development and social progress

Whereas the economics of various countries are evolving rapidly and at an even more intense pace during this postwar period, we consider it opportune to call attention to a fundamental principle, namely that social progress should accompany and be adjusted to economic development so that all classes of citizens can participate in the increased productivity.

Attentive vigilance and effective effort must be made so that socioeconomic inequalities do not increase but rather that they be lessened as much as possible.

"Likewise the national economy," observes our predecessor Pius XII with evident justification, "as it is the product of the men who work together in the community of the state, has no other end than to secure without interruption the material conditions in which the individual life of the citizen may fully develop.

"Where this is secured in a permanent way a people will be, in a true sense, economically rich because the general well-being, and consequently the personal right of all to the use of worldly goods, is thus actuated in conformity with the purpose willed by the Creator."

From this it follows that the economic wealth of a people arises not only from an aggregate abundance of goods but also and more so from their real and efficacious redistribution according to justice as a guarantee of the personal development of the members of society, which is the true scope of a national economy.

We must here call attention to the fact that in many economies today, the medium and large enterprises not rarely effect rapid and large productive developments by means of self-financing.

In such cases we hold that the workers should acquire shares in the firms in which they are engaged, especially when they earn no more than the minimum salary.

In this matter we must recall the principle explained by our predecessor Pius XI in the encyclical "Quadragesimo Anno." "It is totally false to ascribe to capital alone or to labor alone that which is obtained by the joint effort of the one and the other. And it is flagrantly unjust that either should deny the efficacy of the other and seize all the profits."

The demand of justice referred to can be satisfied in many ways suggested by experience. One of these, and among the most desirable, is to see to it that the workers, in the manner and to the degree most convenient, be able to participate in the ownership of the enterprise itself, since today more than in the times of our predecessor "every effort, therefore, must be made that at least in the future a just share only of the fruits of production be permitted to accumulate in the hands of the wealthy, and that an ample sufficiency be supplied to the workingmen."

But we should, moreover, remember that adjustments between recompense for work and returns be brought about in conformity with the demands of the common good, both of one's own community and of the entire human family.

The demands of the common good on the national level must be considered: To provide employment to the greatest number of workers; to take care lest privileged classes arise, even among the workers; to maintain an equal balance between wages and prices and make goods and services accessible to the greater number of citizens; to eliminate or keep within limits the inequalities between the sectors of agriculture, industry, and services; to bring about a balance between economic expansion and the development of essential public services; to adjust as far as possible the means of production to the progress of science and technology; to regulate the improvements in the tenor of life of the present generation with the objective of preparing a better future for the coming generations.

There also demands for the common good on the world level: to avoid all forms of unfair competition between the economies of different countries; to encourage with fruitful understanding collaboration among these national economies; to cooperate in the economic development of communities which are economically less advanced.

It is obvious that the demands of the common good, referred to both on the national and world level, are to be kept in mind when there is a question of determining the rate of return to be assigned as profit to those responsible for the direction of the enterprise and to the contribtuors' capital in the form of interest and dividends.

Demand of justice in regard to productive structure is harmony with man

Justice is to be observed not only in the distribution of wealth, but also with reference to the structures of the enterprises in which productive activity unfolds itself.

There is, in fact, an innate exigency in human nature which demands that when men are engaged in productive activity, they have the opportunity of employing their own responsibility and perfecting their own being.

Wherefore, if the structures, functioning and surroundings of an economic system are such as to compromise human dignity, insofar as men unfold their proper activity in it, or if it systematically blunts in them the sense of responsibility or constitutes in any way an impediment to the expression of their personal initiative, such an economic system is unjust, even if, by hypothesis, the wealth produced through it reaches a high standard and this wealth is distributed according to the criteria of justice and equity.

Confirmation of Directive

It is not possible to spell out in particular that structure of an economic system which is more in conformity with the dignity of man and more suitable to developing in him a sense of responsibility. Nevertheless, our predecessor, Pius XII, opportunely delineates this directive as follows:

"The small and averaged sized undertakings in agriculture, in the arts and crafts, in commerce and industry, should be safeguarded and fostered by granting them the benefits of larger firms by means of cooperative union; while in the large concerns there should be the possibility of moderating the contract of work by one of partnership."

Artisan, Cooperative Enterprises

The artisan enterprise and the farm enterprise of family size, as also the cooperative enterprise that serves likewise as an element of integration of the two, are to be preserved and encouraged in keeping with the common good and within the limits of technical possibilities.

We shall return shortly to the topic of the farm enterprise of family size. Here we think it appropriate to underscore the importance of the artisan and cooperative enterprises.

Above all, it is necessary to emphasize that the two undertakings in order to be effective must constantly adapt themselves in their structure, function, and output to ever new situations created by the advance of science and technology, as also by the changing demands and preferences of the consumer. This adaptation must be first of all effected by the craftsmen themselves and the members of cooperatives.

To accomplish this the two groups must have a good training, both technically and humanly, and they must be organized professionally. Further, it is imperative that appropriate economic measures be taken by the Government, especially regarding their formation, taxation, credit and social security.

Moreover, the measures taken by public agencies on behalf of craftsmen and members of cooperatives are also justified by the fact that these two categories of citizens uphold true human values and contribute to the advance of civilization.

For these reasons, we paternally invite our beloved sons, artisans and members of cooperatives throughout the world, to realize the dignity of their profession and their substantial contribution, so that they may keep alert their sense of responsibility and spirit of cooperation in the national communities, and that their desire to work with dedication and originality ever abide.

Participation of workers in average-size and large enterprise

Further, following up the line of thought drawn by our predecessors, we also hold as justifiable the desire of employees to participate in the activity of the enterprises to which they belong as workers.

It is not feasible to define a priori the manner and degrees of such participation, since the workers are the ones who are in touch with the specific conditions prevailing in every enterprise—conditions that can vary from one to another and are frequently subject to quick and substantial changes.

But we think it fitting to call attention to the fact that the problem of the participation of the workers is an ever present one, whether the enterprise is private or public.

At any rate, every effort should be made that the enterprise become a community of persons in the dealings, activities and standing of all its members.

This demands that the relations between the employers and directors on the one hand, and the employees on the other, be marked by appreciation, understanding, a loyal and active cooperation, and devotion to an undertaking common to both, and that the work be considered and carried out by all the members of the enterprise, not merely as a source of income, but also as the fulfillment of a duty and the rendering of a service.

This also means that the workers may have their say in, and may make their contribution to, the efficient running and development of the enterprise.

Our predecessor, Pius XII, remarked that "the economic and social function which every man aspires to fulfill demands that the carrying on of the activity of each is not completely subjected to the will of others."

A humane view of the enterprise ought undoubtedly to safeguard the authority and necessary efficiency of the unity of direction, but it must not reduce its daily coworkers to the level of simple and silent performers who are without any possibility of bringing to bear their experience and entirely passive in regard to decisions that regulate their activity.

Finally, attention is to be called to the fact that the exercise of responsibility on the part of the workers in productive units not only corresponds to the lawful demands inherent in human nature, but is also in conformity with the historic development in the economic, social, and political fields.

Unfortunately, as we have already noted and as will later be seen more fully, there are numerous economic and social inequalities which in our time are opposed to justice and humanity and deep rooted errors that pervade the activity, purposes, structure, and working of the economic world.

But it is an undeniable fact that the productive systems, thanks to the impulse deriving from scientific and technical advance, are today becoming more modern and efficient at a far more rapid rate than in the past. This demands of workers greater abilities and professional qualifications.

At the same time and as a consequence, they are given greater means and more free time for being instructed and brought up to date, for acquiring culture and for receiving moral as well as religious information.

Thus there can also be effected a longer period for the basic instruction, as well as for the professional training, of new generations.

Thus is created a humane environment that encourages the working classes to assume greater responsibility within enterprises, while at the same time political communities become ever more aware that all citizens feel responsible for bringing about the common good in all spheres of life.

Workers' participation at all levels

Modern times have seen a broad development of associations of workers for the specific purpose of cooperation, in particular by means of collective bargaining, and the general recognition of such associations in the juridical codes of various countries and on an international scale.

But we cannot fail to emphasize how timely and imperative is it that the workers exert their influence, and effectively so, beyond the limits of the individual productive units and at every level.

The reason is that individual productive units, regardless how extensive or how very efficient they may be, form a vital part of the economic and social complexity of the respective political communities and are determined by it.

But it is not the decisions made within the individual productive units which are those that have the greatest bearing. Instead it is those made by public authorities or by institutions that act on a worldwide, regional, or national scale in regard to some economic sector or category of production.

Hence the appropriateness or imperativeness that among such authorities or institutions, besides the holders of capital or the representatives of their interests, the workers also or those who represent their rights, demands and aspirations should have a say.

Our affectionate thought and our paternal encouragement go out to the professional groups and to the associations of workers of Christian inspiration consisting of workers on more than one continent, which in the midst of many and frequently grave difficulties have been able and are continuing to strive for the effective promotion of interests of the working classes and for their material and moral improvement, both within a single political unit as well as on a worldwide scale.

It is with satisfaction that we believe it our duty to underscore the fact that their work is to be gaged not only by its direct results and by those which are immediately observable, but also by its positive reaction on an economic and social order marked by justice and humanity, effected throughout the labor world, where it spreads the principles of correct orientation and supplies the impulse of Christian renovation.

We believe further that one must regard in the same way the work performed with true Christian spirit by our beloved sons in other professional groups and associations of workers which take their inspiration from natural principles of dealing with each other and are respectful of the freedom of conscience.

We are always happy to express heartfelt appreciation to the International Labor Organization which for decades has been making its effective and precious contribution to the establishment in the world of an economic and social order marked by justice and humanity, where also the lawful demands of the workers are given expression.

Private property

Changed Conditions

During these last decades, as is known, the difference has been growing more acute between the ownership of productive goods and the responsibility of those managing the larger economic entities.

We know that this brings about problems hard to control by the public authorities in order to make certain that the aims pursued by the directors of large companies, especially of those that have greater effect on the entire economic life of a political community, are not contrary to the demands of the common good.

It brings about problems which, as experience shows, arise regardless whether the capital that makes possible the vast undertakings belongs to private citizens or to public corporations.

It is also true that there are many citizens today—and their number is on the increase—who through belonging to insurance groups or social security, have reason to face the future with serenity, a serenity that formerly derived from the properties they inherited, however modest.

Finally, it is noted that today men strive to acquire professional training rather than to become owners of property, and that they have greater confidence in income derived from work or rights founded on work rather than in income derived from capital or rights founded on capital.

Moreover, this is in conformity with the preeminent position of work, as the immediate expression of the individual against capital, a good by nature instrumental. Hence such a view of work may be considered a step forward in the process of human civilization.

The aspects revealed by the economic world, which we have just alluded to, have certainly contributed to spreading the doubt that a principle of the economic and social order consistently taught by our predecessors has diminished or lost its importance, namely the principle of the natural right of private ownership, inclusive of productive goods.

Confirmation of Right of Ownership

There is no reason for such a doubt to persist. The right of private ownership of goods, inclusive of productive goods, has a permanent validity precisely because it is a natural right founded on the ontological and finalistic priority of individual human beings as compared with society.

Moreover, it would be useless to insist on free and personal initiative in the economic field, if the same initiative were not permitted to dispose freely of the means indispensable to its achievement.

Further, history and experience testify that in those political regimes which do not recognize the rights of private ownership of goods, productive goods included, the fundamental manifestations of freedom are suppressed or stifled. Hence one may justifiably conclude that they find in such a right both a guarantee and an incentive.

This is an explanation of the fact that sociopolitical movements which strive to reconcile justice and liberty in society were until recently clearly opposed to the private ownership of productive goods but are now—more fully enlightened concerning actual social conditions—reconsidering their own stand and are taking an essentially positive attitude in regard to that right.

Accordingly, we make our own the insistence of our predecessor Pius XII: "In defending the principle of private property the church is striving after an important ethico-social end. She does not intend merely to uphold the present condition of things as if it were an expression of the Divine Will or to protect on principle the rich and plutocrats against the poor and indigent. * * * The church rather aims at securing that the institution of private property be such as it should be according to the plan of Divine Wisdom and the dispositions of nature."

And thus may the natural right be the guarantee of the essential freedom of the individual and at the same time an indispensable element in the social order.

Further, we have observed today in many political communities that economic systems are rapidly increasing their productive efficiency. With this increase of income, justice, and fairness demand, as we have already seen, that remuneration for work be increased within the limits allowed by the common good.

This allows the workers more easily to save and thus acquire their own property. Hence it is incomprehensible how the innate character of a right can be called into question when it has as its main source the fruitfulness of work and is continually fomented by the same thing, when it is a right that constitutes an apt means to assert one's personality and to exercise responsibility in every field and an element of solidity and of security for family life and of the peaceful and orderly development of society.

Effective Distribution

It is not enough to assert the natural character of the right of private property, including productive property, but the effective distribution among all social classes is also to be insisted upon.

As our predecessor Pius XII states: "Ordinarily, as a natural basis for living, the right to the use of the goods of the earth, to which corresponds the fundamental obligation of granting private property to all if possible," while among the demands arising from the moral dignity of work, is also the one that includes "the conservation and perfection of a social order which makes possible a secure, even if modest, property to all classes of the people."

The distribution of property ought to be championed and effected in times such as ours in which, as has been noted, the economic systems of an increasing number of political communities are in the process of rapid development.

While making use of various technical devises which have proved effective, these communities find it easy to promote enterprises and carry out an economic and social policy that favors and facilitates an increased distribution of private ownership and of durable consumer goods, of homes, of farms, of one's own equipment in artisan enterprises and farms of family size, as often experienced in some political communities that have developed economically and progressed socially.

Public property

What has been set forth above does not exclude, as is obvious, that state and other public agencies should also lawfully possess productive goods as property, especially when they "carry with them an opportunity too great to be left to private individuals without injury to the community at large."

In modern times there is a tendency toward a progressive taking over of property, whose ownership is vested in the state or other agencies of public authority. This fact finds its explanation in the ever-widening activity which the common good requires the public authorities to carry on.

But in the present matter the principle of subsidiarity stated above is also to be followed. Accordingly, the state and other agencies of public law should not extend their ownership except where motives of the evident and real necessity of the common good require it. And they should not extend it for the purpose of reducing or, much less, of abolishing private property.

Nor is one to forget that the enterprises of an economic nature of the state and other

agencies of public law are to be entrusted to those who unite in themselves a specific solid ability, spotless honesty and a keen sense of responsibility toward their country.

Further, their behavior and activity are to be subject to a wise and constant inspection in order to prevent, among other things, the formation within the very organization of the state of centers of economic power that would redound to the detriment of its "raison d'etre," that is, the good of the community.

Social function

Another doctrinal point constantly set forth by our predecessors is that a social function is intrinsically linked with right of private property. As a matter of fact, according to the plan of creation, the goods of the earth are above all destined for the worthy support of all human beings, as our predecessor Leo XIII in his encyclical "Rerum Novarum" expresses so wisely:

"Whoever has received from the Divine Bounty a large share of blessings, whether they be external or corporal, or gifts of the mind, has received them for the purpose of using them for perfecting his own nature and, at the same time, that he may employ them as the minister of God's Providence for the benefit of others.

"He that hath a talent, says St. Gregory the Great, 'let him see that he hideth it not; he that hath abundance, let him arouse himself to mercy and generosity; he that hath art and skill, let him do his best to share the use and utility thereof with his neighbor."

Today the state as well as the agencies of public law have extended and are continuing to extend the sphere of their activity and initiative. But not for that reason has the "raison d'etre" of the social function of private property diminished, as some wrongly tend to believe, for the social function derives from the very nature of the right of property.

Further, there is always a wide range of tragic conditions and needs that demand tact, yet are nonetheless urgent, and which the official means of public agencies cannot reach or at any rate cannot assist. Hence there ever remains a vast sphere for the human sympathy and Christian charity of individuals.

Finally, it has also been noted that the numerous efforts—c? individuals or of groups are often more effective in promoting spiritual values than the activity of public agencies.

We should like to note at this point that in the Gospel the right of private ownership of goods is regarded as lawful. But at the same time, the Divine Master frequently extends to the rich the insistent invitation to convert their material goods into spiritual ones by conferring them on the needy.

He invites them to convert their material goods into spiritual goods which the thief cannot steal nor the moth nor rust destroy and which will be found increased in the eternal storehouses of the Heavenly Father; "Lay not up to yourselves treasures on earth: where the rust and moth consume, and where thieves break through and steal. But lay up to yourselves treasures in heaven: where neither the rust nor moth doth consume, and where thieves do not break through nor steal."

And the Lord will consider as given or refused to Himself the charity given or refused to the needy. "As long as you did it to one of these my least brethren, you did it to me."

PART III. NEW ASPECTS OF SOCIAL QUESTION

The evolution of historical situations brings into ever greater relief how the exigencies of justice and equity not only have a bearing on the relations between dependent workingmen and contractors or employers, but also concern the relations between different economic sectors, between areas economically more developed and those economically less developed within individual political communities and, on the world plane, the relations between countries with a different degree of economic-social development.

Exigencies of justice in relations between productive sectors

Agriculture, Depressed Sector

On the world plane it does not seem that the agricultural-rural population, in absolute terms, has decreased; but it is undeniable that an exodus of farm-rural peoples to urban agglomerations or centers is taking place—an exodus that is taking place in almost all countries and that sometimes assumes massive proportions, creating complex human problems difficult of solution.

We know that as an economy develops, the labor force engaged in agriculture decreases, while the percentage of the labor force employed in industry and in the area of services rises.

Nevertheless, we think that the movement of the population from the farm area to other productive sectors, besides the objective reasons of economic development, is often due to multiple factors, among which have been enumerated the desire to escape from surroundings considered as shut in and devoid of prospects; the longing for novelty and adventure that has taken hold of the present generation; the attraction of easily gained riches; the mirage of living in greater freedom and enjoying means and facilities that urban agglomerations and centers offer.

But we also hold as beyond doubt that one of the forces behind this exodus is the fact that the farming sector, almost everywhere, is a depressed area, whether as regards the index of productivity of the labor force or as regards the standard of living of agricultural rural populations.

Thus, a fundamental problem that arises in practically all political communities is the following: How to proceed in order that the disproposition in productive efficiency between the agricultural sector on the one hand and, on the other, the industrial sector and that of services be reduced, in order that the standard of living of the farm-rural population be as close as possible to the standard of living of city people, who draw their resources from the industrial sector and from that of the service sector; in order that the tillers of the soil may not be possessed of an inferiority complex, but rather be persuaded that even in agriculture they can develop their personality through their toil and look forward to the future with confidence.

It seems to us opportune, therefore, to indicate certain directives that can contribute to a solution of the problem, directives which we believe have value whatever may be the historical environment in which one acts, on condition, obviously, that they be applied in the manner and to the degree the surroundings allow or suggest or demand.

Equalization of Essential Public Services

It is above all indispensable that great care be taken, especially by the public authorities, to insure that the essential services in country areas be suitably developed: good roads, transportation, means of communication, drinking water, housing, health services, elementary education and technical and professional training, conditions suitable for the practice of religion, means of recreation and means to insure that there should be a good supply of those products which enable the country home to be well equipped and to be run on modern lines.

Whenever such services, necessary today for a becoming standard of living, are lacking in country areas, economic development and social progress become almost impossible to develop too slowly. And the consequence of this is that the flow of population away from the country becomes almost impossible to check and difficult to control.

Gradual, Harmonious Development of Economic System

It is also necessary that the economic development of the political communities should take effect in a gradual way and maintain a harmonious balance between all the sectors of production.

That is to say, it is necessary that in cultivating the soil there should be put into practice innovations concerning methods of production. There should be a choice of the type of agriculture and enterprise that the economic system considered as a whole allows or requires. And these should be put into practice, as far as possible, in a degree proportionate to that carried out in the industrial and service sectors.

In this way, agriculture absorbs a larger amount of industrial goods and demands a higher quality of services.

In turn, it offers to the other two fields and to the whole community the products which best meet, in quality and quantity, the needs of the consumer, contributing to the stability of the purchasing power of money, a very positive factor in the orderly development of the entire economic system.

In such a way we believe that it would also prove less difficult, both in areas which the population is leaving as well as in those to which they are flocking, to control the movement of the labor force, set free by the progressive modernization of agriculture.

It would be less difficult to provide the labor force with the professional training that will enable its members to fit profitably into the other sectors of production and with the economic aid and preparation and spiritual assistance that will bring about their integration into society.

Appropriate Political Economy

To obtain an economic development that preserves a harmonious balance among all the sectors of production, a prudent political economy in the area of agriculture is also required, a political economy that takes into account taxation, credit, social insurance, price protection, the fostering of integrating industries and the adjustment of the structures of enterprises.

Taxation

The fundamental principle in a system of taxation based on justice and equity is that the burdens should be proportionate to the capacity of the people to contribute.

But the common good also requires that in the assessment of taxes, it must be borne in mind that in the sector of agriculture the returns develop more slowly and are exposed to greater risks in their production, and that there is greater difficulty in obtaining the capital necessary to increase them.

Capital at Suitable Interest

For the reasons mentioned above, the possessors of capital have little inclination to make investments in this sector. They are more inclined to invest in the other sector instead.

For the same reason agriculture investments cannot yield a high rate of interest. Nor can agriculture as a rule earn large enough profits to furnish the capital necessary for its own development and the normal exercises of its affairs.

It is therefore necessary, for reasons of the common good, to evolve a special credit policy and to create credit institutes which will guarantee to agriculture such capital at a rate of interest on suitable terms.

Social Insurance, Social Security

In agriculture the existence of two forms of insurance may be indispensable: one is concerned with agricultural products, the other with the labor force and their families.

Because the return per head is generally less in agriculture than in the sectors of

industry and of services, it would not be in accordance with the standards of social justice and equity to set up systems of social insurance or of social security in which the allowances accorded to the forces of agricultural labor and of the individual families were substantially lower than those guaranteed to the sectors of industry and of services.

We consider that social policy must aim at guaranteeing that the insurance allowances made to the people should not be materially different no matter in what economic sector they work or the income on which they live.

The systems of social insurance and social security can contribute efficaciously to a redistribution of the overall income of the political community according to the standards of justice and equity.

It can therefore be considered as one of the instruments for restoring the balance in the standards of living in the different categories of the people.

Price Protection

Given the nature of agricultural production it is necessary that an effective system of regulation should be enforced to protect prices, making use of this end of the numerous expedients which present-day economic technique can offer.

It is desirable that such regulation should be primarily the work of the interested parties; though supervision by the public authority cannot be dispensed with.

On this subject it must not be forgotten that the price of agricultural produce represents much more the reward of labor than remuneration of capital.

Pope Pius XI in the encyclical "Quadragesimo Anno" rightly observes that, "a reasonable relationship between different wages here enters into consideration," but he immediately adds: "Intimately connected with this is a reasonable relationship between the prices obtained for the products of the various economic groups: agrarian, industrial, etc."

While it is true that farm produce is destined above all to satisfy the primary needs of man, and hence their price should be within the means of all consumers, still this cannot be used as an argument to compel a part of the citizens to a permanent state of economic and social inferiority by depriving them of the indispensable purchasing power in keeping with man's dignity. For this would be diametrically opposed to the common good.

Integration of Farm Income

It is also opportune to promote in agricultural regions the industries and services pertaining to the preservation, processing, and transportation of farm products. It is further desirable that in these regions undertakings in respect to other economic sectors and other professional activities be developed, so that farmers can complete their income in the surroundings where they live and work.

Adjustment of Structure of Farming Enterprises

It is not possible to determine a priori what the structure of farm life should be because of the diversity of the rural conditions in each political community, not to mention the immense difference obtaining between the nations of the world.

But if we hold to a human and Christian concept of man and the family, we are forced to consider as an ideal that community of persons operating on internal relations and whose structure is formed according to the demands of justice and the principles stated above, and still more, enterprises of family size. With these in mind we should exert every effort to realize one or the other, as far as circumstances permit.

But it is necessary to call attention to the fact that the enterprise of family size requires economic conditions which can insure sufficient income to enable the family to live in decent comfort.

To attain this end, it seems necessary not only that farmers be given up-to-date instructions on the latest methods of cultivation, and technically assisted in their profession, but it is also indispensable that they form a flourishing system of cooperative undertakings, be organized professionally and participate in public life, not only in administrative institutions, but also in political movements.

Rural Workers Protagonists in Their Own Betterment

We are of the opinion that rural workers must take active part in their own economic advancement, social progress, and cultural betterment.

They can easily see how noble is their work either because they live out their lives in the majestic temple of creation; or because their work often concerns the life of plants and animals, a life that is inexhaustible in its expression, inflexible in its laws, rich in allusions to God, the Creator and Provider; or because they produce food necessary to nourish the human family and furnish an increasing number of raw materials for industry.

Furthermore, it is a work which carries with it the dignity of a profession which is marketed by its manifold relationship with machines, chemistry and biology, relationships in continued development because of the repercussions of scientific and technical progress on the farm.

It is also a work characterized by a moral dimension proper to itself, for it demands capacity for orientation and adaptation, patience in its many hours of waiting, sense of responsibility, spirit of perseverance and enterprise.

Solidarity and Cooperation

We should like to recall to your minds also that in agriculture, as in other sectors of production, association is a vital need today, the more so as this sector has as its base the family size enterprise.

Rural workers should feel a sense of solidarity one with another, and should unite to form cooperative and professional associations, which are both necessary if they are to benefit from scientific and technical progress in methods of production, if they are to contribute in an efficacious manner to defend the prices of their products, if they are to attain an equal footing with other economical professional classes who are likewise usually organized.

They need to organize to have a voice in political circles as well as in organs of public administration, for today almost nobody hears, much less pays attention to, isolated voices.

Awareness of Demands of Common Good

However, rural workers (as workers in every other productive sector) must be governed in using their various organizations by moral and juridical principles. They must try to reconcile their rights and interests with those of other classes of workers, and even subordinate one to the other if the common good demands it.

The rural workers engaged in improving the condition of the whole agricultural world can legitimately demand that their efforts be seconded and complemented by the public authorities when they show themselves aware of the common good and contribute to its realization.

At this point, it is with pleasure that we express our satisfaction with our sons in various parts of the world who are actively engaged in cooperatives, in professional groups and in worker movements with a view to raising the economic and social standards of rural workers.

Vocation and Mission

In the work on the farm the human personality finds numerous incentives for self-expression, for self-development, for enrichment and for growth even in regard to spiritual values. Therefore, it is a work which is conceived and lived both as a vocation and as a mission.

It can be considered as an answer to God's call to actuate His providential plan in history. It may also be considered as a noble undertaking to elevate oneself and others and as a contribution to human civilization.

Action to bring equality and to encourage advancement of underdeveloped regions

Among citizens of the same political community there often exists a marked economic and social inequality due for the most part to the fact that some live and work in areas that are economically more developed, while others live and work in areas that are economically underdeveloped.

When this situation obtains, justice and equity demand that the public authorities should try to eliminate or reduce such inequality. To accomplish this end the public authorities should see to it that in the underdeveloped areas there exist assured essential public services, which should be of the kind and extent suggested or required by the surroundings and which should usually correspond to the average standard of life that obtains in the national community.

Furthermore, it is necessary to develop a suitable economic and social policy regarding the supply of labor and the dislocation of population, wages, taxes, interest, and investments, with special attention to expanding industries.

In short, there should be a policy capable of promoting complete employment of the labor force, of stimulating enterprising initiative and of exploiting the natural resources of the place.

But governmental action along these lines must always be justified by the demands of the common good, which requires that all three areas of production—agriculture, industry, and public services—be developed gradually, simultaneously and harmoniously in order to obtain unity on the national level. Special effort must be made that the citizens of the less developed regions take an active part, insofar as circumstances allow, in their economic betterment.

Finally, it is necessary to remember that even private enterprise must contribute to effecting an economic and social balance among the different zones of the same country.

And indeed public authorities, in accordance with the principle of subsidiarity, must encourage and help private enterprise, entrusting to it, as far as efficiently possible, the continuation of the economic development.

Elimination or Reduction of Unbalance Between Land and Population

It is not out of place to remark here that there are not a few countries where a gross disproportion between land and population exists. In some countries there is a scarcity of population and tillable land abounds. In others, on the other hand, the population is large, while arable land is scarce.

Furthermore, there are some countries where, in spite of rich natural resources, not enough food is produced to feed the population because of primitive methods of agriculture. On the other hand, in some countries, on account of modern methods of agriculture, food surpluses have become an economic problem.

It is obvious that the solidarity of the human race and Christian brotherhood demand that an active and manifold cooperation be established among the peoples of the world.

They demand a cooperation which permits and encourages the movement of goods, capital and men with a view to eliminating or reducing the above mentioned unbalance. Later on, we shall treat this point in more detail.

Here, however, we should like to express our sincere appreciation for the highly beneficial work which the United Nations Food and Agricultural Organization (FAO) is undertaking to establish fruitful accord among nations, to promote the modernization of agriculture, especially in countries in the process of development, and to alleviate the suffering of hunger-stricken peoples.

Demands of justice between nations differing in economic development

Problem of Modern World

Probably the most difficult problem of the modern world concerns the relationship between political communities that are economically advanced and those in the process of development. The standard of living is high in the former, while in the latter countries poverty, and in some cases extreme poverty, exists.

The solidarity which binds all men and makes them members of the same family requires political communities enjoying an abundance of material goods not to remain indifferent to those political communities whose citizens suffer from poverty, misery and hunger and who lack even the elementary rights of the human person.

This is particularly true since, given the growing interdependence among the peoples of the earth, it is not possible to preserve lasting peace if glaring economic and social inequality among them persists.

Mindful of our role of Universal Father, we feel obliged to stress solemnly what we have stated in another connection: "We are all equally responsible for the undernourished peoples. * * * Therefore, it is necessary to educate one's conscience to the sense of responsibility which weighs upon each and everyone, especially upon those who are more blessed with this world's goods."

It is obvious that the obligation to help those who find themselves in want and misery, which the church has always taught, should be felt more strongly by Catholics, who find a most noble motive in the fact that we are all members of Christ's Mystical Body.

John, the Apostle, said: "In this we have known the charity of God, because He hath laid down His life for us: and we ought to lay down our lives for the brethren. He that hath the substance of this world, and shall see his brother in need, and shall shut up his bowels from him: How doth the charity of God abide in him?"

We therefore see with satisfaction that those political communities enjoying high economic standards are providing assistance to political communities in the process of economic development in order that they may succeed in raising their standards of living.

Emergency Assistance

There are countries which produce consumer goods and especially farm products in excess, while in other countries large segments of the population suffer from misery and hunger. Justice and humanity demand that the former come to the aid of the latter.

To destroy or to squander goods that other people need in order to live is to offend against justice and humanity.

While it is true that to produce goods, especially agricultural products, in excess of the needs of the political community can cause economic harm to a certain portion of the population, this is not a motive for exonerating oneself from the obligation of extending emergency aid to the indigent and hungry.

Rather, all ingenuity should be used to contain the negative effects deriving from surplus goods, or at least to make the entire population equally share the burden.

Scientific, Technical, and Financial Cooperation

Emergency aid, although a duty imposed by humanity and justice, is not enough to eliminate or even to reduce the cause which in not a few political communities bring about a permanent state of want, misery, and hunger.

These causes flow, for the most part, from the primitiveness or backwardness of their economic system. And this cannot be remedied except by means of varied forms of cooperation directed to making these citizens acquire new outlooks, professional qualifications, and scientific and technical competence.

This cooperation must also consist of putting at their disposal the necessary capital to start and to speed up their economic development with the help of modern methods.

We are well aware that in recent years the realization has grown and matured that efforts should be made to favor the economic development and social progress in the countries which face the greatest difficulties.

World and regional organizations, individual States, foundations, and private societies offer to the above-mentioned countries, in an increasing degree, their own technical cooperation in all productive spheres.

And they multiply facilities for thousands of young people to study in the universities of the more developed countries and to acquire an up-to-date scientific, technical, and professional formation.

Meanwhile world banking institutes, single states and private persons furnish capital and give life, or help to give life, to an ever richer network of economic enterprises in the countries on the way to development.

We are happy to profit by the present occasion to express our sincere appreciation of such richly fruitful works.

But we cannot excuse ourselves from pointing out that the scientific, technical and economic cooperation between the economically developed political communities and those just beginning or on the way to development needs to be increased beyond the present level.

And it is our hope that such a development will characterize their dealings during the next decades.

On this matter we consider some reflections and warnings opportune.

Avoiding Errors of the Past

Wisdom demands that the political communities which are themselves in the initial stage or a little advanced in their economic development keep before their eyes the actual experiences of the already developed political communities.

More and better production corresponds to a rational need and is also an absolute necessity. However, it is no less necessary and conformable to justice that the riches produced come to be equally distributed among all members of the political community.

Hence an effort should be made to see that social progress proceeds at the same pace as economic development. This means that it is actuated, as far as possible, gradually and harmoniously in all productive sectors, in those of agriculture, industry and services.

Respect for the Characteristics of Individual Communities

The political communities on the way toward economic development generally present their own unmistakable individuality, due either to their resources and the specific character of their own natural environment, or to their traditions, frequently abounding in human values, or to the typical quality of their own members.

The economically developed political communities, when lending their help, must recognize and respect this individuality and overcome the temptation to impose themselves by means of these works upon the community in the course of economic development.

Disinterested Work

But the bigger temptation with which the economically developed political communities have to struggle is the temptation to profit from their technical and financial cooperation so as to influence the political situation of the less developed countries with a view to bringing about plans of world domination.

If this takes place, it must be explicitly declared that it would be a new form of colonialism which, however cleverly disguised, would not for all that be less blameworthy than that from which many peoples have recently escaped and which would influence negatively their international relations, constituting a menace and danger to world peace.

And it is, therefore, indispensable and corresponds to the need of justice that the above mentioned technical and financial aid be given in sincere political disinterestedness, for the purpose of putting those communities on the way to economic development in a position to realize their own proper economic and social growth.

In such a way a precious contribution to the formation of a world community would be made, a community in which all members are subjects conscious of their own duties and rights, working on a basis of equality for the bringing about of the universal common good.

Respect for Hierarchy of Values

Scientific and technical progress, economic development and the betterment of living conditions are certainly positive elements in a civilization. But we must remember that they are not nor can they be considered the supreme values, in comparison with which they are seen to be essentially instrumental in character.

It is with sadness that we point out that in the economically developed countries there are not a few persons in whom the consciousness of the hierarchy of values is weakened, dead or confused.

That is, there are not a few persons in whom the spiritual values are neglected, forgotten and denied, while the progress of the sciences and technology, economic development and the material well-being are often fostered and proposed as the preeminent, and even elevated to the unique, reason of life.

This constitutes an insidious poison, and one of the most dangerous, in the work which the economically developed peoples can give to those on the way to development, those in whom ancient tradition has quite often preserved a living and operating consciousness of some of the most important human values.

To undermine this consciousness is essentially immoral. One must respect it and, where possible, clarify and develop it so that it will remain what it is: a foundation for true civilization.

Contribution of the Church

The church, as is known, is universal by divine right. And she is universal historically from the fact that she is present, or strives to be so, among all peoples.

The entrance of the church among a people has always brought positive reactions in the social and economic fields, as history and experience show.

The reason is that people on becoming Christian cannot but feel obliged to improve the institutions and the environment in the temporal order, whether to prevent these doing harm to the dignity of man or to eliminate or reduce the obstacles to the good

and multiply the incentives and invitations to it.

Moreover, the church, entering the life of the people, is not nor does she consider herself to be an institution which is imposed from outside. This is due to the fact that her presence is brought about by the rebirth or resurrection of each person in Christ.

And he who is reborn or rises again in Christ never feels himself constrained from without. Indeed, he feels himself liberated in the deepest part of his being and thus open toward God. And whatever in him is of worth, whatever be its nature, is reaffirmed and ennobled.

"The church of Jesus Christ," as our predecessor Pius XII wisely observes, "is the repository of His wisdom; she is certainly too wise to discourage or belittle those peculiarities and differences which mark out one nation from another. It is quite legitimate for nations to treat those differences as a sacred inheritance and guard them at all costs.

"The church aims at unity, a unity determined and kept alive by the supernatural love which should be actuating everybody. She does not aim at a uniformity which would only be external in its effects and would cramp the natural tendencies of the nations concerned.

Every nation has its own genius, its own qualities, springing from the hidden roots of its being. The wise development, the encouragement within limits, of that genius, those qualities, does no harm. And if a nation cares to take precautions, to lay down rules, for that end, it has the church's approval. She is mother enough to befriend such projects with her prayers.

"We notice with profound satisfaction how today also, the Catholic citizens of the countries moving toward economic development are not, as a rule, second to any in taking their part in the effort which their own countries are making to develop and raise themselves in the economic and social fields."

Furthermore, Catholic citizens of the economically developed countries are multiplying their efforts to help and make more fruitful the work being done for the communities still developing economically.

Worthy of special consideration is the varied assistance that they increasingly give to students from the countries of Africa and Asia who are scattered throughout the universities of Europe and America, and the preparation of persons trained to go to the less developed countries in order to engage in technical and professional activity.

To these, our beloved sons, who in every continent show forth the perennial vitality of the church in promoting genuine progress and in giving life to civilization, we wish to join our kind and paternal word of appreciation and encouragement.

Population increase and economic development

Lack of Balance Between Population and Means of Sustenance

In recent years the problem concerning the relationship between population increase, economic development, and the availability of the means of sustenance, whether on a world plane or as it confronts the economically developing political communities, is very much to the fore again.

On a worldwide scale, some observe that according to sufficiently reliable statistics, in a few decades the human family will reach a quite high figure, while economic development will proceed at a slower rate.

From this they deduce that, if nothing is done in time to check the population flow, the lack of balance between the population and the food supply in the not too distant future will make itself felt acutely.

Insofar as this affects the political communities which are developing economically, still relying on statistical data, it is clear that the rapid spread of hygienic measures and of appropriate medical remedies will greatly reduce the death rate, especially among infants, while the birth rate, which in such countries is usually high, tends to remain more or less constant, at least for a considerable period of time.

Therefore, the excess of births over deaths will notably increase, while the productive efficiency of the respective economic systems will not increase proportionately. Accordingly, an improvement in the standards of living in these developing political communities is impossible.

Indeed it is inevitable that things will get worse. Hence, to avoid a situation which will result in extreme hardship, there are those who would have recourse to drastic measures of birth control or prevention.

Terms of the Problem

To tell the truth, considered on a world scale, the relationship between the population increase on the one hand and the economic development and availability of food supplies on the other, does not seem—at least for the moment and in the near future—to create a difficulty. In every case the elements from which one can draw sure conclusions are too uncertain and changeable.

Besides, God in His goodness and wisdom has diffused in nature inexhaustible resources and has given to man the intelligence and genius to create fit instruments to master it and to turn it to satisfy the needs and demands of life.

Hence, the real solution of the problem is not to be found in expedients that offend the moral order established by God and which injure the very origin of human life, but in a renewed scientific and technical effort on the part of man to deepen and extend his dominion over nature.

The progress of science and technology, already realized, opens up in this direction limitless horizons.

We realize that in certain areas and in the political communities of developing economies really serious problems and difficulties can and do present themselves, due to a deficient economic and social organization which does not offer living conditions proportionate to the rate of population increase and also to the fact that solidarity among peoples is not operative to a sufficient degree.

But even in such a hypothesis, we must immediately and clearly state that these problems must not be confronted and these difficulties are not to be overcome by having recourse to methods and means which are unworthy of man and which find their explanation only in an utterly materialistic concept of man himself and of his life.

The true solution is found only in economic development and in social progress which respects and promotes true human values, individual and social.

It is to be found only in economic development and social progress that is brought about in a moral atmosphere, conformable to the dignity of man and to the immense value possessed by the life of a single human being, and in cooperation on a world scale that permits and favors an ordered and fruitful interchange of useful knowledge of capital and of manpower.

Respect for Laws of Life

We must solemnly proclaim that human life is transmitted by means of the family, the family founded on marriage, one and indissoluble, raised for Christians to the dignity of a sacrament.

The transmission of human life is entrusted by nature to a person and conscious act and, as such, is subject to the allwise laws of God, laws which are inviolable and immutable and which are to be recognized and observed.

Therefore, it is not permissible to use means and follow methods that can be licit for the transmission of plant or animal life.

Human life is sacred. From its very inception, the creative action of God is directly operative. By violating His laws, the Divine Majesty is offended, the individuals themselves and humanity degraded and likewise the community of which they are members is enfeebled.

Education Toward Sense of Responsibility

It is of the greatest importance that the new generations be brought up with an adequate cultural as well as religious formation. It is the duty and right of parents to obtain this formation which leads to a profound sense of responsibility in all the expressions of their life and therefore also in regard to the forming of a family and to the procreation and education of children.

These ought to be formed in a life of faith and great trust in divine providence in order to be ready to undergo fatigue and sacrifices in the fulfillment of a mission so noble and often so arduous as is the cooperation with God in the transmission of human life and the education of offspring.

For such education no institution provides so many efficacious resources as the church which, even for this reason, has the right to full liberty to fulfill her mission.

In the Service of Life

Genesis relates how God imposed on the first human beings two commands: that of transmitting life—increase and multiply—and that of dominating nature—fill the earth and subdue it. These commands complement each other.

Certainly the divine command to dominate nature is not aimed at destructive purposes. Instead it is for the service of life.

We point out with sadness one of the most disturbing contradictions by which our epoch is tormented and by which it is being consumed, namely that, while on the one hand are brought out in strong relief situations of want and the specter of misery and hunger haunts us; on the other hand scientific discoveries, technical inventions, and economic resources are being used, often extensively, to provide terrible instruments of ruin and death.

A provident God grants sufficient means to the human race to solve in dignified fashion even the many and delicate problems attendant upon the transmission of life.

But these problems can become difficult of solution or even insoluble because man, led astray in mind or perverted in will, turns to such means as are opposed to reason and hence he seeks ends that do not answer man's social nature or the plans of providence.

Cooperation on a world scale

World Dimensions of Every Important Human Problem

The progress of science and technology in all aspects of life multiply and increase the relationships between political communities and hence render their interdependence ever more profound and vital.

As a result, it can be said that problems of any importance, whatever their content may be—scientific, technical, economic, social, political, or cultural—present today supranational and often worldwide dimensions.

Hence, the different political communities can no longer adequately solve their major problems in their own surroundings and with their own forces, even though they be communities which are notable for the high level and diffusion of their culture, for the number and industriousness of their citizens, for the efficiency of their economic systems and the vastness and the richness of their territories.

Political communities react on each other. And it may be said that each succeeds in developing itself by contributing to the development of the other. Hence, understanding and cooperation are so necessary.

Mutual Distrust

One can thus understand how in the minds of individual human beings and among different peoples the conviction of the urgent necessity of mutual understanding and cooperation is becoming ever more widespread. But at the same time, it seems that men, especially those entrusted with greater responsibility, show themselves unable to understand one another.

The root of such inability is not to be sought in scientific, technical, or economic reasons but in the absence of mutual trust.

Men, and consequently states, fear each other. Each fears that the other harbors plans of conquest and is waiting for the favorable moment to put these plans into effect.

Hence, each organizes its own defenses and arms itself not for attacking, so it is said, but to deter the potential aggressor against any effective invasion.

As a consequence, vast human energies and gigantic resources are employed for nonconstructive purposes.

Meanwhile, in the minds of individual human beings and among peoples there arises and grows a sense of uneasiness and reluctance which lessens the spirit of initiative for works on a broad scale.

Failure To Acknowledge the Moral Order

The lack of reciprocal trust finds its explanation in the fact that men, especially the more responsible ones, are inspired in the unfolding of their activity by different or radically opposed concepts of life. Unfortunately, in some of these concepts the existence of the moral order—an order which is transcendent, universal, absolute, equal and binding on all—is not recognized.

Thus, they fail to meet and understand each other fully and openly in the light of one and the same law of justice, admitted and adhered to by all.

It is true that the term "justice" and the phrase "demands of justice" are uttered by the lips of all. However, these utterances take on different and opposite meaning.

Wherefore, the repeated and impassioned appeals to justice and the demands of justice, rather than offering a possibility of meeting or of understanding, increase the confusion, sharpen the contrasts, and keep disputes inflamed.

In consequence, the belief is spread that to enforce one's rights and pursue one's own interests, no other means are left than recourse to violence in front of the most serious evils.

The True God, Foundation of the Moral Order

Mutual trust among men and among states cannot begin or increase except by the recognition of and respect for the moral order.

The moral order does not hold except in God. Cut off from God, it disintegrates.

Man, in fact, is not only a material organism but is also a spirit endowed with thought and freedom. He demands, therefore, a moral and religious order which bears more than any material value on the directions and solutions it can give to the problems of individual and group life within the national communities and the relationships among them.

It has been claimed that in an era of scientific and technical triumphs, men can construct their civilization without God.

But the truth is that these same scientific and technical advances present human problems of a worldwide scope which can be solved only in the light of a sincere and active faith in God, the beginning and end of man in the world.

These truths are confirmed by the ascertainment that the same limitless horizons which are opened up by scientific research help to give birth to the conviction and to develop it that mathematical and scientific notions point out but do not gather and much less express entirely the more profound aspects of reality.

The tragic experience that the gigantic forces placed at the disposal of technology can be used for purposes both constructive and destructive makes evident the pressing importance of spiritual values so that scientific and technical progress may preserve its essentially instrumental character with reference to civilization.

Further, the sense of increasing dissatisfaction which spreads among human beings in national communities with a high standard of living destroys the illusion of a hoped for paradise on earth.

But at the same time, the consciousness of inviolable and universal rights becomes ever clearer; and ever more forceful is the aspiration for more just and more human relations.

These are all motives which contribute toward making human beings more conscious of their own limitations and toward creating in them a striving for spiritual values.

And this cannot but be a happy earnest of a sincere understanding and profitable cooperation.

PART IV. RECONSTRUCTION OF SOCIAL RELATIONSHIPS IN TRUTH, JUSTICE, LOVE

Incomplete and erroneous ideologies

After all this scientific and technical progress, and even because of it, there remains the problem that the social relationships should be reconstructed in a more human balance both in regard to individual political communities and on a world scale.

In the modern era different ideologies have been devised and spread abroad with this in mind. Some have been dissolved as clouds by the sun. Some have undergone substantial changes. Others have waned much and are losing still more their attraction on the minds of men.

The reason is that they are ideologies which consider only certain and less profound aspects of man. And this is so because they do not take into consideration certain inevitable human imperfections, such as sickness and suffering, imperfections which even the most advanced economic-social systems cannot eliminate.

Then there is the profound and imperishable religious exigence which constantly expresses itself everywhere, even though trampled down by violence or skillfully smothered.

In fact, the most fundamental modern error is that of considering the religious demands of the human soul as an expression of feeling or of fantasy, or a product of some contingent event, which should be eliminated as an anachronism and as an obtacle to human progress.

Yet by this exigency human beings reveal themselves for what they really are—beings created by God and for God, as St. Augustine cries out, "You made us for Thee, O Lord, and our heart is restless until it rests in Thee."

Moreover, whatever the technical and economic progress, there will be neither justice nor peace in this world until men return to a sense of their dignity as creatures and sons of God, the just and final reason of the being of all reality created by Him.

Man separated from God becomes inhuman to himself and to those of his kind, because the orderly relation of society presupposes the orderly relation of one's conscience with God, font of truth, justice, and love.

It is true that the persecution of so many of our dearly beloved brothers and sons, which has been raging for decades in many countries, even those of an ancient Christian civilization, makes ever clearer to us the dignified superiority of the persecuted and the refined barbarity of the persecutors, so that, if it does not give visible signs of repentance, it induces many to think.

But it is always true that the most perniciously typical aspect of the modern era consists in the absurd attempt to reconstruct a solid and fruitful temporal order prescinding from God, the only foundation on which it can endure, and to want to celebrate the greatness of man by drying up the font from which that greatness springs and from which it is nourished, hence, restraining and, if possible, extinguishing man's sighing for God.

Every day experience continues to witness to the fact, amidst the most bitter delusions and not rarely in terms of blood, that, as stated in the inspired Book, "unless the Lord build the house, they labor in vain that build it."

Perennial actuality of social doctrine of the church

The church is the standard bearer and herald of a way of life which is ever up to date.

The fundamental principle in such a conception is, as is seen from what has thus far been said, that individual human beings are and should be the foundation, the end and the subjects of all the institutions in which social life is carried on, that is individual human souls considered insofar as they are and should be by their nature instrinsically social, and insofar as they are in the plan of providence, and by their elevation to the supernatural order.

From this fundamental principle which guarantees the sacred dignity of the individual, the teaching office of the church has made clear, with the cooperation of enlightened priests and laymen, especially during the last century, a social doctrine which points out with clarity the sure way to reconstruct social relationships according to universal criteria based on human nature, the various dimensions of the temporal order and the characteristics of contemporary society and which are hence acceptable to all.

But it is indispensable, today more than ever, that this doctrine be known, assimilated and translated into social reality in the form and manner that the different situations allow and demand.

It is most difficult task, but a most noble one, to the carrying out of which we most warmly invite not only our brothers and sons scattered throughout the world but also all men of good will.

Instruction

We reaffirm strongly that the Christian social doctrine is an integral part of the Christian conception of life.

While we note with satisfaction that in several institutes this doctrine has been taught for some time, we feel urged to exhort that such teaching be extended by regular systematic courses in Catholic schools of every kind, especially in seminaries.

It is to be inserted into the religious instruction programs of parishes and of associations of the lay aspostolate. It should be spread by every association of the lay apostolate.

It should be spread by every modern means of expression—daily newspapers and periodicals, publications of both a scientific and a popular nature, radio, and television.

To this diffusion, our beloved sons, the laity, can greatly contribute by knowing this doctrine, making their actions conform to it and by zealously striving to make others understand it.

They should be convinced that the truth and efficacy of this teaching is most easily demonstrated when they can show that it offers a safe path for the solution of present day difficulties.

In this way they bring it to the attention of those who are opposed to it because they are ignorant of it and they may even cause a ray of its light to enter into their minds.

Education

A social doctrine has to be translated into reality and not just merely formulated.

This is particularly true of the Christian social doctrine whose light is truth, whose objective is justice and whose driving force is love.

Hence we stress the fact that it is of the greatest importance that our beloved sons not only know this social doctrine but that they be educated according to it.

Christian education should be complete in extending itself to every kind of obligation. Hence it should strive to implant and foster among the faithful an awareness of their obligations to carry on their economic and social activities in a Christian manner.

The transition from theory to practice is of its very nature difficult. And this is especially true when one tries to reduce to concrete terms on a social doctrine such as that of the church.

It is difficult on account of the deep-rooted selfishness of human beings, the materialism with which modern society is steeped and the difficulty of singling out precisely the demands of justice in particular cases.

Consequently, it is not enough for this education that men be taught their social obligations. They must also be given by practical action the methods that will enable them to fulfill these duties.

A Task for Associations of the Apostolate of the Laity

Education to act in a Christian manner in economic and social matters will hardly succeed unless those being educated play an active role in their own formation, and unless the education is also carried on through action.

Just as one cannot acquire the right use of liberty except by using liberty correctly, so one learns Christian behavior in social and economic matters by actual Christian action in those fields.

Hence, in social education the associations and organizations of the lay apostolate play an important role, especially those that have as their specific objective the Christianization of the economic and social sectors of the temporal order.

Indeed, many members of these associations can draw profit from their daily experiences to form themselves more completely and also to contribute to the social education of youth.

At this point it seems opportune to recall to all, the great and the lowly, the Christian concept of life, which requires a spirit of moderation and of sacrifice.

Unfortunately, there is everywhere prevalent a hedonistic conception and tendency which would reduce life to the search for pleasure and the full satisfaction of all the passions, with a consequent great loss to both body and soul.

On the natural level, simplicity of life and temperance in the lower appetites is a wisdom productive of good. On the supernatural level, the Gospels and the whole ascetic tradition of the church require a sense of mortification and of penance which assure the rule of the spirit over the flesh and offer an efficacious means of expiating the punishment due to sin from which no one, except Jesus Christ and His Immaculate Mother, is exempt.

In reducing social principles and directives to practice, one usually goes through three stages: reviewing the situation, judging it in the light of these principles and directives, and deciding what can and what should be done according to the mode and degree permitted by the situation itself.

These are the three stages that are usually expressed in the three terms: look, judge, act.

It is particularly important that youth be made to dwell often on these three stages and as far as possible reduce them to action. The knowledge acquired in this way is not merely abstract ideas but is something to be translated into deeds.

In the applications of doctrine there can arise even among upright and sincere Catholics differences of opinion. When this happens, they should be watchful to keep alive mutual esteem and respect and should strive to find points of agreement for efficacious and suitable action.

They should not exhaust themselves in interminable discussions and, under pretext of the better or the best, omit to do the good that is possible and is thus obligatory.

Catholics in their economic-social activities often find themselves in close contact with others who do not share their view of life.

In these circumstances, our sons should be very careful that they are consistent and never make compromises on religion and morals. At the same time let them show themselves animated by a spirit of understanding and disinterestedness, ready to cooperate loyally in achieving objectives that of their nature are good or at least reducible to good.

It is clear, however, that when the hierarchy has made a decision on the point at issue, Catholics are bound to obey their directives, because the church has the right and obligation not merely to guard ethical and religious principles, but also to intervene authoritatively in the temporal sphere when it is a matter of judging the application of these principles to concrete cases.

Manifold Action and Responsibility

From instruction and education one must pass to action. This is a task that belongs particularly to our sons, the laity, since in virtue of their condition of life they are constantly engaged in activities and in the formation of institutions that in their finality are temporal.

In performing such a noble task, it is essential that our sons be professionally qualified and carry on their occupation in conformity with its own proper laws in order to secure effectively the desired ends. It is equally necessary, however, that they act within the framework of the principles and directives of Christian social teaching and in an attitude of loyal trust and filial obedience to ecclesiastical authority.

Let them remember that when in the execution of temporal affairs they do not follow the principles and directives of Christian social teaching, not only do they fail in their obligations and often violate the rights of their brethren, but they can even cast into discredit that very doctrine which, in spite of its intrinsic value, seems to be lacking in a truly directive power.

A Grave Danger

As we have already noted, modern man has greatly deepened and extended his knowledge of the laws of nature and has made instruments that make him lord of their forces. He has even produced gigantic and spectacular works.

Nevertheless, in his striving to master and transform the external world, he is in danger of forgetting and of destroying himself. As Pope Pius XI, our predecessor, observes with deep sadness in the encyclical "Quadragesimo Anno:"

"And so bodily labor, which was decreed by providence for the good of man's body and soul even after original sin, has everywhere been changed into an instrument of strange perversion: for dead matter leaves the factory ennobled and transformed, where men are corrupted and degraded."

In a similar manner Pope Pius XII, our predecessor, rightly asserted that our age is marked by a clear contrast between the immense scientific and technical progress and the fearful human decline shown by "its monstrous masterpiece" of "transforming man into a giant of the physical world at the expense of his spirit, which is reduced to that of a pygmy in the supernatural and eternal world."

Once again there is verified today, in a most striking manner, what was asserted of the pagans by the Psalmist: "men forget their own being in their works and admire their productions to the point of idolatry: the idols of the gentiles are silver and gold, the works of the hands of men."

Recognition of and respect for the hierarchy of values

In our paternal care as universal pastor of souls. We urgently invite our sons to take care that they keep alive and active an awareness of a hierarchy of values as they carry on their temporal affairs and seek their immediate ends.

Certainly, the church has taught and always teaches that scientific-technical progress and the resultant material well-being are truly good and, as such, mark an important phase in human civilization.

Nevertheless, these things should be valued according to their true worth, namely, as instruments or means used to achieve more effectively a higher end, that a facilitating and promoting the spiritual perfection of mankind, both in the natural and the supernatural order.

We desire that the warning words of the Divine Master should ever sound in the ears of men: "For what doth it profit a man, if he gain the whole world and suffer the loss of his own soul? Or what exchange shall a man give for his soul?"

Sanctification of Holy Days

To safeguard the dignity of man as a creature endowed with a soul formed in the image and likeness of God, the church has always demanded an exact observance of the third precept of the decalogue: "Remember that thou keep holy the Sabbath day." God has a right to demand of man that he dedicate a day of the week to worship, in which the spirit, free from material preoccupations, can lift itself up and open itself by thought and by love to heavenly things, examining in the secret of its conscience its obligatory and necessary relations toward its Creator.

In addition, man has the right and even the need to rest in order to renew the bodily strength used up by hard daily work, to give suitable recreation to the senses and to promote domestic unity, which requires frequent contact and a peaceful living together of all the members of the family.

Consequently, religion, morality, and hygiene, all unite in the law of periodic repose which the church has for centuries translated into the sanctification of Sunday through participation in the holy sacrifice of the mass, a memorial and application of the redemptive work of Christ for souls.

It is with great grief that we must acknowledge and deplore the negligence of, if not the downright disrespect for, this sacred law and the consequent harmful results for the health of both body and soul of our beloved workers.

In the name of God and for the material and spiritual interests of men, we call upon all public authorities, employers and workers, to observe the precepts of God and His church, and we remind each one of his grave responsibilities before God and society.

Renewed Obligation

In what we have briefly exposed above, it would be an error if our sons, especially the laity, should consider it more prudent to lessen their personal Christian commitment in the world. Rather should they renew and increase it.

Our Lord, in the sublime prayer for the unity of the church did not ask the Father to take His own from the world but to preserve them from evil: "I pray not that thou shouldst take them out of the world, but that thou shouldst keep them from evil."

We should not create an artificial opposition between the perfection of one's own being and one's personal active presence in the world, as if a man could not perfect himself except by putting aside all temporal activity and as if, whenever such action is done, a man is inevitably led to compromise his personal dignity as a human being and as a believer.

Instead of this being so, it is perfectly in keeping with the plan of divine providence that each one develop and perfect himself through his daily work, which for almost all human beings is of a temporal value.

Today, the church is confronted with the immense task of giving a human and Christian note to modern civilization, a note that is required and is almost asked for by that civilization itself for its further development and even for its continued existence.

As we have already emphasized, the church fulfills this mission through her lay sons, who should thus feel pledged to carry on their professional activities as the fulfillment of a duty, as the performance of a service in internal union wich God and with Christ and for His glory.

As St. Paul points out: "Whether you eat or drink, or whatsoever else you do, do all for the glory of God" and "all whatsoever you do in world or in work, do all in the name of the Lord Jesus Christ, giving thanks to God and the Father by Him."

Greater Efficiency in Temporal Affairs

In temporal affairs and institutions, whenever an awareness of values and supernatural ends is secured, there is at the same time a strengthening of their power to achieve their immediate specific ends. The words of our Divine Master are still true: "Seek ye, therefore, first the kingdom of God and His justice: and all these things shall be added unto you," children of the light.

The fundamental demands of justice are more securely grasped in the most difficult and complex regions of temporal affairs, namely those in which selfishness—individual, group or racial—often causes thick clouds of darkness.

When one is animated by the charity of Christ one feels united to others, and the needs, suffering and joys of others are felt as one's own.

Consequently, the action of each one, no matter what the objective or what the circumstances in which it may be realized, cannot help being more disinterested, more energetic and more human because charity "is patient, is kind * * * seeketh not her own * * * rejoiceth not in iniquity, but rejoiceth with the truth * * * hopeth all things, endureth all things."

Living members in Mystical Body of Christ

We cannot conclude our encyclical without recalling another sublime truth and reality, namely the we are living members of the mystical body of Christ, which is His church:

"For as the body is one and hath, many members; and all the members of the body, whereas they are many, yet are one body: so also is Christ."

We invite with paternal urgency all our sons belonging to either the clergy or the laity to be deeply conscious of this dignity and nobility due to the fact that they are grafted onto Christ as shoots on a vine: "I am the vine and you are the branches." And they are thus called to live by His very life.

Hence, when one carries on one's proper activity, even if it be of temporal nature, in union with Jesus the Divine Redeemer, every work becomes a continuation of His work and penetrated with redemptive power: "He that abideth in me, and I in him, the same beareth much fruit."

It thus becomes a work which contributes to one's personal supernatural perfection and helps to extend to others the fruits of the redemption and leavens with the ferment of the Gospel the civilization in which one lives and works.

Our era is penetrated and shot through by radical errors, it is torn and upset by deep disorders. Nevertheless, it is also an era in which immense possibilities for good are opened to the church.

Beloved brethren and sons, the review which in union with you we have been able to make of the various problems of modern social life from the dawn of the teaching of Pope Leo XIII has been, as it were, an unfolding of a series of statements and resolves on which we invite you to dwell and meditate deeply.

Take courage in the cooperation of all for the realization on earth of the Kingdom of Christ. It is "a kingdom of truth and of life; a kingdom of holiness and grace; a kingdom of justice, of love and of peace," which assures the enjoyment of the heavenly goods for which we were created and for which we long.

Here one is concerned with the doctrine of the Catholic and apostolic church, mother and teacher of all the nations, whose light illumines, enkindles and inflames, whose warming voice filled with heavenly wisdom pertains to all times, whose power ever offers efficacious and suitable remedies for the increasing needs of men and for the deprivations and anxieties of the present life.

That voice is in union with that of the Psalmist of old which unceasingly fortifies and lifts up our minds: "I will hear what the Lord will speak in me: for He will speak peace unto His people: and unto His saints: and unto them that are converted to the heart.

"Surely His salvation is near to them that fear Him: that glory may dwell in our land. Mercy and truth have met each other. Justice and peace have kissed. Truth is sprung out of the earth: and justice hath looked down from heaven. For the Lord will give goodness: and our earth shall yield her fruit. Justice shall walk before Him: and shall set His steps in the way."

Such is the desire that we make in ending this letter, to which we have for a considerable time given our solicitude for the universal church.

We desire that the Divine Redeemer of men, "who of God is made unto us wisdom and justice and sanctification and redemption," may reign and triumph gloriously throughout the ages, in all and over all. We desire that human society being restored to order, all nations may firmly enjoy prosperity, happiness, and peace.

As a portent of these wishes and as a pledge of our paternal good will, may the apostolic blessing, which we give from our heart in the Lord, descend on you, venerable brethren, and on all the faithful entrusted to your care and especially on those who will reply with generosity to our appeals.

(Given at Rome, at St. Peter's, May 15, in the year 1961, the third of our pontificate.)

POPE JOHN XXIII.

[From the San Francisco Examiner, July 17 1961]

A GREAT DOCUMENT

The wise counsel of Pope John XXIII in the encyclical just issued will powerfully influence the whole world.

When you consider that the message will be distributed in all languages, giving it more extensive circulation than any other in the history of the Roman Catholic Church, it is evident the effect will be immeasurable and will increase with time.

Excepting tyrants and oppressors, we think the world will acknowledge these truths:

The need for economically advanced nations to help the newly emerged or underdeveloped—but help should not be a prelude to domination, creating a new and menacing form of colonialism. Such was the attempt of communism in the Congo, and is the attempt of communism all over the globe.

The danger of perpetuating great social and economic divisions among sectors of peoples within nations, so that there stands the harsh contrast to the wants of the great majority, the abundance and luxury of the privileged few. It is this harsh contrast that the Communists are exploiting in Latin America and wherever else it exists.

The age-old experience that private property is an element that cannot be substituted for in an ordered and productive social life and that where the personal initiative of individuals is lacking, there is political tyranny. But this does not preclude the validity of socialization so long as it confines its activities within the limits of the moral order.

The right of workers to a wage which allows them to live a truly human life and to face up with dignity to their family responsibilities.

The existence of an imperishable religious impulse, which constantly expresses itself everywhere, even though trampled down by violence or skillfully smothered.

There are doubtless other points in this important and great document that we have overlooked, but those we have grasped make it clear it is a plan of action and policy for peace among nations and peoples under God.

[From the Boston Herald, July 17, 1961]

TO THE CONSCIENCE OF THE WORLD

The encyclical letter which Pope John XXIII issued last week was directed to the clergy and the faithful of the Catholic Church. But it was in fact an appeal to the conscience of the whole Western World.

The long (25,000-word) encyclical covered many themes. The most striking, however, was aid to underdeveloped nations, and the Pontiff's observations on this subject are bound to have a far-reaching beneficial effect.

The church pronouncement marked the 70th anniversary of the famous "Rerum Novarum" of Pope Leo XIII was both a commentary on and supplement to that document. Leo spoke at a time of great social unrest, when the working classes everywhere were beginning to protest against their lowly estate. Instead of preaching Christian resignation to the workers he proclaimed and defended their right to seek a more just social order.

Pope John sees as the most difficult problem of the modern world the great disparity in wealth between the poor and underdeveloped nations on the one hand and the rich, developed nations on the other. And the "revolution of rising expectations" which now agitates the poorer nations, he feels, is just as deserving of sympathy and help as were the revolutionary aspirations of depressed workers three-quarters of a century ago.

While he praises the "fruitful works" which world banking institutions, single states, and private citizens have undertaken to help the have-not states, he warns that much more must be done. And more to the point he speaks of ultimate objectives. Emergency aid, he says, is not enough, nor one-shot philanthropic gestures. Even less must aid be used as "a new form of colonialism" to bind the poor nations to one or another political system. Aid must be given disinterestedly and in such a way as to allow all peoples to realize their own potential.

The aim should be the creation of a world community "in which all members are subjects conscious of their own duties and rights, working on a basis of equality for

the bringing about of the universal common good"—in other words social justice among nations.

This is precisely the doctrine which our own Government has been preaching in recent years, but governments don't always convince those who need to be convinced. Pope John's eloquent words should help. They should persuade opponents of foreign aid that this kind of sharing is both an obligation of conscience and a contribution to a better, safer world for all of us.

[From the Dallas Times Herald, July 17, 1961]

POPES AID VIEW

As a wealthy nation and a religious one we should have no difficulty agreeing with the foreign aid portion of Pope John XXIII's new encyclical.

The Pope declared that developed nations should help less fortunate nations "in sincere political disinterestedness" to balance the differences between abundant production and misery and hunger.

The United States has, in fact, been doing this—whether to the best of its ability is open to question. Aside from our moral obligation to help the needy, we Americans and other free nations as well have recognized—as the Pope also noted—that lasting peace is impossible with a wide divergence in economic levels between nations.

Thus, the economic aspects of U.S. foreign aid programs are a mixture of charity and self-interest, duly carried out by the government elected by the people.

With this principle there should be no quarrel. It is a people's business to be humanitarian, and a government's duty to devise programs for the nation's safety.

[From the New York Times, July 16, 1961]

MATER ET MAGISTRA

Through the centuries, the Popes periodically have issued encyclicals setting forth their views on matters ranging from religious practices to the great social and political issues of their time. The encyclicals are not binding on the Catholic faithful under pain of sin as are pronouncements on faith and morals ex cathedra (from the chair of Peter). But they represent the official position of the church and set the guidelines for teaching and precepts in Catholic pulpits, schools, and homes.

Last week, Pope John XXIII issued a 25,000-word encyclical that broke new ground for the church in the area of social, economic, and political relations. Referred to as "Mater et Magistra" ("mother and teacher") from the first three words of the Latin text, the encyclical modernized and supplemented two other major encyclicals on social and economic issues by Leo XIII in 1891 and Pius XI in 1931.

PROBLEM OF AID

A major theme of the new encyclical by the 79-year-old pontiff, who comes from peasant stock, was the importance of aid to underdeveloped areas. Such aid, Pope John said, was the "biggest problem of modern times" and he asked that it be given without creating a "new form of colonialism" by attaching political strings. These were some of the other matters covered in the encyclical:

Communism: "Where the personal initiative of the citizens is missing" and men are not allowed to own the fruits of their labor, "there is political tyranny."

Labor: Action must be taken to raise wages which in many lands condemn workers and their families to "subhuman" conditions of life. "We * * * hold as justifiable the desire of the employees to participate in the activity of the enterprise to which they belong."

International relations: Radically opposed philosophies have created fear among world leaders with each believing "the other harbors plans of conquest."

Birth control: The solution to population problems lies in a "renewed scientific-technical effort" to extend "man's mastery over nature," but no interference with the creation of life is permissible.

Catholic officials said the encyclical had rounded out the trilogy begun in 1891, and they predicted it would have a profound influence on the world's 500 million Catholics.

[From the New York Times, July 16, 1961]

POPE JOHN'S ENCYCLICAL

Pope John's encyclical, like those of his predecessors, Leo XIII in 1891, Pius XI in 1931, and perhaps many more going back almost to the dawn of Christian history, is an attempt to apply the ethics of Catholicism to a changing world situation.

The Pope is considering "the daily life of men." He cites the Scriptures to show that the Founder of Christianity was "concerned about the earthly needs of men." Even during the past two decades there have been, as the Pope reminds his listeners, "profound transformations, both in the internal structure of each political community and in the mutual relationships." The task, as His Holiness sees it, is to reach a humane solution of the resulting problems, without loss of freedom or of human dignity or any diminution in responsibility. The encyclical reiterates the Catholic belief in private property but also emphasizes the workers' right to a just remuneration, not determined entirely "by the laws of the market," but "according to justice and equity."

As the Pope advocates economic justice "among citizens of the same political community," so also he argues for justice among the nations and for assistance from the developed countries so that the people of less-favored lands "may succeed in raising their standards of living." He generously pays tribute to those international organizations, individual states, and private agencies whose richly fruitful works have had their beneficial results in recent years.

As a religious document, this encyclical, like its predecessors, is historical. In those parts which we may consider secular—that is, of friendly concern to people of other religions—it presents a picture of the conflict in our time between the crude materialism of the Communists and the humane spirit of all great and enduring faiths.

[From the Washington Post, July 17, 1961]

TOWARD A BETTER SOCIETY

The eloquent appeal of Pope John XXIII for social justice, for a fairer distribution of wealth within each country and among the nations of the world, amplifies the philosophy of the great encyclical of Pope Leo XIII and reasserts the determination of the church to concern itself with man's material as well as his spiritual well-being.

"The relationship between church and state or between the religious and the secular can profitably be studied in terms of dialog, of voice of speech between man and man," the Reverend Walter J. Ong, S.J., stated in his American Catholic Crossroads. It is this dialogue, of which last week's encyclical is a part, that provides an alternative to the church-state which preceded the Middle Ages and the progressive secularization of society which followed it. As the Reverend Ong put it: "The church herself needs to be in the world just as desperately as she needs not to be of it."

Pope John's words on social justice will not evoke, nowadays, any comment such as that of the 19th century statesman who crushed a clerical reformer by saying, "Things have come to a pretty pass if religion is going to interfere with private life."

R. H. Tawney, in 1922, saw an end coming to the age in which religion could "leave the present world to the men of business and the devil." He said then: "Not only in one denomination but among Roman Catholics, Anglicans, and nonconformists, an attempt is being made to restate the practical implications of the social ethics of the Christian faith, in a form sufficiently comprehensive to provide a standard by which to judge the collective actions and institutions of mankind, in the sphere both of international politics and of social organization."

The encyclical of Pope John is a part of this attempt. It denies the morality of laissez faire economics to assert that "remuneration cannot be left to the mechanical play of market forces." It asks respect for "the dignity of the human being" that it "be not violated in body or spirit" by the conditions of labor. It bodly asserts "both competition in the liberal sense and the class struggle in the Marxist sense are contrary to nature and the Christian conception of life."

It enjoins equally a fair sharing of rewards between one sector and another of the economy, appealing for better treatment of agriculture and other producers of raw materials. It deplores the "offensive contrast" between poverty of the many and "the abundance and unbridled luxury of the privileged few." It asks that "socioeconomic inequalties do not increase but rather that they be lessened as much as possible."

The obligations of advanced nations to underdeveloped countries have not been better stated than in the sentence: "We are all equally responsible for the undernourished peoples." Elsewhere he asserts, "Justice and humanity demand that the former come to the aid of the latter."

Modern capitalism has been greatly modified since John Meynard Keynes described it as "absoluetely irreligious, without internal union, without much public spirit, often though not always, a mere congeries of possessors and pursuers." The modifications that make it now more acceptable to just and sensitive men, that present it as an ethical alternative to the crass materialism of Marxist society, have sprung in great part from religion's reassertion of the right to speak to the consicence of mankind on secular matters. The great encyclical of Pope John takes its place among the admonitions of religion to make capitalism acceptable to the human conscience.

[From Life magazine, July 21, 1961]

VOICES

(The voice that sounded most profoundly through the world last week was that of Pope John XXIII. In the longest and one of the most far-reaching encyclicals in the history of Catholicism, he expressed the mind of the church on the issues facing a turbulent world.)

International aid: "Justice and humanity demand that the [wealthy nations] come to the aid of the [poor nations]. To destroy or squander goods that other people need in order to live, is to offend against justice and humanity. But the temptation with which the economically developed political communities have to struggle is that of profiting from their technical and financial cooperation so as to influence the political situation of the less-developed countries with a view to bringing about plans of world domination."

Private enterprise: "The right of private ownership of goods, of productive goods inclusively, has a permanent validity precisely because it is a natural right founded on ontological and finalistic priority of individual human beings as compared with society."

Role of labor: "Modern times have seen a broad development of association of workers and the general recognition of such. But

we cannot fail to emphasize how timely and imperative is it that the workers exert their influence and effectively so, beyond the limits of the individual productive units, and at every level."

Overpopulation: "There are those who would have recourse to drastic measures of birth control. The true solution is found only in the economic development and in the social progress brought about in a moral atmosphere conformable to the dignity of man and to the immense value the life of a single human being has and in the cooperation that favors an ordered and fruitful interchange of useful knowledge of capital and of manpower."

Economics: "Experience shows that where the personal initiative of individuals is lacking, there is political tyranny but there is also stagnation in the economic sectors engaged in the production where the due services of the state are lacking or defective, there is incurable disorder and exploitation of the weak on the part of the unscrupulous strong who flourish in every land and, at all times, like the cockle among the wheat."

World understanding: "Men, especially those entrusted with greater responsibility, show themselves unable to understand one another. The root of such inability is not to be sought in scientific, technical, or economic reasons but in the absence of mutual trust. Mutual trust among men and among states cannot begin nor increase except by the recognition of and respect for the moral order."

[From the Minneapolis Morning Tribune, July 25, 1961]

THE POPE SPEAKS

Pope John XXIII's encyclical, "Mater et Magistra," celebrating the 70th anniversary of the historic "Rerum Novarum" of Pope Leo XIII, is without doubt one of the major social documents of our times.

"Mater et Magistra" (from the first three words: Mother and Teacher) is the longest encyclical in the history of the Roman Catholic Church. It runs to more than 20,000 words. It is the third in a series of social statements that have reshaped and redirected the church's attitude toward the changing and increasingly uncertain modern world.

Back in 1891, Pope Leo XIII in "Rerum Novarum" (of new things) issued a far-reaching appraisal of labor and working conditions that Pope John has now called "the Magna Carta of the economic-social reconstruction of the modern era."

Pope Leo's famed encyclical is considered by many to be the basic document on the Roman Catholic Church's approach to social problems. It also is looked on as the church's answer to Karl Marx's "Das Kapital," the philosophic foundation of communism.

In 1931, 40 years after "Rerum Novarum," Pope Pius XI issued "Quadragesimo Anno," which cited economic collectivism on the one hand and economic individualism on the other as the "twin rocks of shipwreck" and asked for added protection for the workers of the world. It is from this foundation of social thinking that Pope John has now proceeded to build.

This is a document that will be studied and analyzed by scholars for many years to come. It is impossible, obviously, to do more than sketch a few highlights.

On world aid, the Pope has said that rich lands must aid the poor, that to destroy or squander what others need is to offend justice and humanity.

On farming, Pope John, who comes of a farming family, said that the exodus from agriculture stems from the fact farming is a depressed area. Living standards of the rural population must be brought up as close as possible to urban standards.

On economics, the Pope said that public authorities must promote productive developments on behalf of social progress for the benefit of all.

On science, the Pope pointed out that while man has produced gigantic and spectacular works his striving for the mastery of the external world has brought the danger of self-destruction.

On taxation, the Pope said that the fundamental principles of justice and equity require that burdens of taxation be proportioned to the capacity of the people to contribute.

On birth control, the Pope said that church teachings must be adhered to, but the enterprise of family size requires economic conditions that insure sufficient income to enable the family to live in decent comfort.

In detail, the Pope's statements will not be acceptable to all Christians, much less to those of other faiths or no faith at all. This was to be expected. But in its wide range and broad scope, the encyclical offers much to all men even though all men will not be able to embrace it in its entirety.

Once more Pope John has demonstrated his warmth of heart and deep human qualities. "Mater et magistra" is the document of a concerned man. It is a distinguished addition to papal pronouncements in social areas and, as such, is worthy to stand beside its great predecessors of the pontificates of Leo XIII and Pius XI.

[From the Richmond (Va.) Catholic Virgianian, July 21, 1961]

SOCIAL CONCERN BROADENED

The two papal encyclicals which have commemorated Leo XIII's trailblazing encyclical on labor, "Rerum Novarum," have broadened the scope and refined the principles laid down in that encyclical.

Both came to grips with new problems and situations that have emerged since Pope Leo's time.

Pope Leo's encyclical of May 15, 1891, was addressed to the world but largely concerned itself with conditions brought about by the industrial revolution. Its primary emphasis was on labor in the manufacturing and mining industries.

Pope Pius XI's encyclical of 40 years later, "Quadragesimo Anno," covered a wider range but touched mainly on manufacturing, mining, and commerce.

The present encyclical of His Holiness Pope John XXIII introduces the problems of farming and of underdeveloped nations striving to catch up with highly industrialized countries.

Pope Leo emphasized "the enormous fortunes of some few individuals and the utter poverty of the masses." But he rejected socialism as a remedy, and firmly upheld the right to private property. He also defended the right of labor to organize and entered a strong plea for new laws that would correct abuses in society.

Pope Pius XI, like Pope Leo, condemned the disparity of income and wealth between the rich few and the propertyless many. But he went beyond his predecessor in noting what might be called "structural abuses" in the economic system.

Pope Pius XI repeated but somewhat modified Pope Leo's condemnation of socialism. He warned against the threat posed by communism.

While upholding the right of property, as did Pope Leo, Pius XI pointed out that ownership has a social character as well as an individual character. To both capital and labor he pointed out their social obligations as well as their rights.

Pius XI made more precise the concept of a living wage by specifying that this be a family wage.

The primary aspects of the great encyclical of Pope John XXIII are these:

1. He has put into focus, in terms of the problems of the nuclear age, the social principles outlined by his predecessors. It is especially helpful to have a solemn reaffirmation of the teachings of Pope Pius XII, since these were often given in the form of addresses to various groups, in addition to the more solemn radio messages to the world.

2. This is a truly worldwide encyclical, dealing not only with the problem of labor and management in the industrialized sector, but also with the economic difficulties of agriculture and the legitimate aspirations of developing nations.

3. The approach to the problem of industrial economics reflects a high degree of economic sophistication and a philosophy that Americans will characterize as liberal. The complexity of modern society is recognized. The encyclical allows for diverse forms of social organization and a high degree of government intervention for the sake of social welfare.

4. Most timely is the urgent call for aid to developing nations, not only as a duty of justice and charity, but also as an essential safeguard of world peace. At the same time, the Pope warns these nations of their own duties to take positive action for the general welfare, not to stand idly by in the face of exploitation and gross disparity in wealth and income.

[From the Worcester (Mass.) Catholic Free Press, July 21, 1961]

ENCYCLICAL BROADENS SCOPE OF OTHERS

(By Rev. John F. Cronin, S.S.)

The two papal encyclicals which have commemorated Leo XXIII's trail blazing encyclical on labor, "Rerum Novarum," have broadened the scope and refined the principles laid down in that encyclical.

Both came to grips with new problems and situations that have emerged since Pope Leo's time.

Pope Leo's encyclical of May 15, 1891, was addressed to the world but largely concerned itself with conditions brought about by the industrial revolution. Its primary emphasis was on labor in the manufacturing and mining industries.

Pope Pius XI's encyclical of 40 years later, "Quadragesimo Anno," covered a wider range but touched mainly on manufacturing, mining, and commerce.

The present encyclical of Pope John XXIII introduces the problems of farming and of underdeveloped nations striving to catch up with highly industrialized countries.

REJECTS SOCIALISM

Pope Leo emphasized "the enormous fortunes of some few individuals and the utter poverty of the masses." But he rejected socialism as a remedy, and firmly upheld the right to private property. He also defended the right of labor to organize and entered a strong plea for new laws that would correct abuses in society.

Pope Pius XI, like Pope Leo, condemned the disparity of income and wealth between the rich few and the propertyless many. But he went beyond his predecessor in noting what might be called "structural abuses" in the economic system, such as stock speculation, financial manipulation, excessive competition and its opposite, monopoly, and the corruption of the state by finance capitalism. In addition, he noted a corruption of morals, the denial of justice and charity, and a prevalence of greed.

Pope Pius XI repeated but somewhat modified Pope Leo's condemnation of socialism. He warned against the threat posed by communism.

While upholding the right of property, as did Pope Leo, Pius XI pointed out that ownership has a social character as well as an individual character. To both capital and labor he pointed out their social obligations as well as their rights.

He made more precise the concept of a living wage by specifying that this be a family wage.

He echoed Pope Leo's call for proper social legislation, but also called attention to the dangers of loading excessive burdens onto the state.

INTERMEDIARIES

Pope Pius XI's unique contribution was to call for a structural reform in society through the creation of intermediary economic bodies to regulate the economy in the interests of justice and charity.

This regulation could be positive in intent, as, for example, the joint efforts of labor and management to increase productivity and decrease costs in an industry. Or it could be more negative in scope, centering on the regulation of abuses.

Here, for instance, bodies representing labor and management could control destructive types of competition, instead of leaving such regulation to the government.

The primary aspects of the great encyclical of Pope John XXIII are these:

1. He has put into focus, in terms of the problems of the nuclear age, the social principles outlined by his predecessors. It is especially helpful to have a solemn reaffirmation of the teachings of Pope Pius XII, since these were often given in the form of addresses to various groups, in addition to the more solemn radio messages to the world.

2. This is a truly worldwide encyclical, dealing not only with the problems of labor and management in the industrialized sector, but also with the economic difficulties of agriculture and the legitimate aspirations of developing nations.

LIBERAL PHILOSOPHY

3. The approach to the problem of industrial economics reflects a high degree of economic sophistication and a philosophy that Americans will characterize as liberal. The complexity of modern society is recognized. The encyclical allows for diverse forms of social organization and a high degree of government intervention for the sake of social welfare.

4. Most timely is the urgent call for aid to developing nations, not only as a duty of justice and charity, but also as an essential safeguard of world peace. At the same time, the Pope warns these nations of their own duties to take positive action for the general welfare, not to stand idly by in the face of exploitation and gross disparity in wealth and income.

[From American magazine, July 29, 1961]

PETER SPEAKS AGAIN

Pope John's frequent references in recent months to a forthcoming encyclical on the social question revealed his deep concern for a troubled world. The lengthy document, "Mater et Magistra," which finally appeared on July 14, manifests calm confidence, a burning thirst for justice and an abiding sense of human compassion. It puts beyond question John XXIII's right to be hailed as universal pastor and a friend to all mankind.

In months ahead, scholars will busy themselves in exploring the precise meaning of the letter. For the moment, it may help to focus attention on overall impressions derived from a first reading.

Throughout, "Mater et Magistra" sounds a note of quiet Christian optimism. There is little of the Pollyanna about Pope John's description of our era as one "penetrated and shot through with radical errors" and torn and upset by deep disorders. Yet he hastens to add that "it is also an era in which immense possibilities for good are opened to the church."

In the same spirit, the supreme pontiff flatly rejects the view that the laity "should consider it more prudent to lessen their personal commitment to the world." Quite the contrary. Rather, he holds it "perfectly in keeping with the plan of divine providence that each one develop and perfect himself through his daily work." As for the church, it is "confronted with the immense task of giving a human and Christian note to modern civilization. The summons is not to retreat, but to plunge directly into the revolutionary tides swirling over the face of the globe today.

Repeatedly, the Pope speaks of "historical factors," the "evolution of historical situation," "historic development in the economic, social and political fields." And though he rejects a "deterministic" view of social change, he willingly acknowledges "the laws of economic development and social progress."

The holy father likewise discloses a keen sociological awareness in urging the adaptation of social and economic theories to varying circumstances and cultures. Eminently practical, too, is his advice to the lowly to combine in promoting their joint interests, "for today almost nobody hears, much less pays attention to, isolated voices."

Again, while he insists on the need for participation by workers in the conduct of business enterprises, he admits that it is not feasible to define a priori the manner and degrees of such participation, since the workers are the ones who are in touch with the specific conditions prevailing in every enterprise.

More than one statement in "Mater et Magistra" will provoke lively response in American Catholic circles. In the Pope's teaching, for instance, the modern trend to socialization is not the necessarily evil thing some social critics make it out to be. Then, too, not all are accustomed to deeming it timely and imperative for workers to exercise an effective voice not only in the running of industries, but also in public economic planning on a worldwide, regional, or national scale.

Possibly it was the teaching on taxation and social security that Fr. John F. Cronin, S.S., a leading American exponent of Catholic social doctrine, had in mind when he commented that "by our standards in the United States, the document's tone is extremely liberal." Pope John states, for instance, that systems of social insurance and social security can contribute efficaciously to redistribution of the overall income of the political community.

Inevitably one searches a new encyclical for treatment of themes that strike close to home. Thus, American Catholics will wonder why the present text does not treat explicitly of the race question. To be sure, the Holy Father's recurrent appeal to the concept of human solidarity and the doctrine of the mystical body provides a basis for correct thinking about interracial justice. Many will hope, nonetheless, that a subsequent document will treat this burning issue fully.

There remains now the task of implementing the encyclical. In this task, to which this review now dedicates itself, there can arise even among upright and sincere Catholics differences of opinion. But with John XXIII we hope that such differences will not serve to hinder efficacious and suitable action.

Peter has spoken. It seems unthinkable that men of good will anywhere should exhaust themselves in interminable discussion and, under pretext of seeking the better or the best, omit to do the good that is possible and is thus obligatory.

POPE JOHN'S "MATER ET MAGISTRA"

(By Benjamin L. Masse, S.J.)

Dated May 15, 1961—the 70th anniversary of Leo XIII's "Rerum Novarum," the 30th of Pius XI's "Quadragesimo Anno"—Pope John's "Mater et Magistra" ("Mother and Teacher") completes for this generation the Catholic bible of socioeconomic affairs.

One of the bulkiest encyclicals in the history of the church—some 25,000 words in length—"Mater et Magistra" is an obvious and badly needed response to the cataclysmic changes that have rocked the world since the publication of "Quadragesimo Anno" in 1931. These transformations, the Pope notes, affect both the internal structure of states and their relations with one another.

They touch the field of science, technology, and economics: the discovery and application of nuclear energy; the application of chemistry to industry, with the rise of many synthetic products; the growth of automation; the annihilation of distance through the increased speed of communications and transport, and the first conquests of space.

They touch the social field: the development of systems of social insurance; improvement of basic education; increased social mobility and the blurring of class divisions; the growth of a more responsible attitude toward socioeconomic problems, and a spreading popular interest in world affairs; the increasing imbalance between agricultural and industrial sectors within nations and between developed and underdeveloped countries on a world scale.

They touch the political field: the increasing participation of all groups of citizens in public life; the wider activity of government in economic and social affairs; the decline of colonialism in Asia and Africa, and the spread of political independence; the multiplying relationships between countries and their growing interdependence; the development of a network of supranational organizations devoted to economic, social, cultural, and political ends.

To keep alive the torch lighted by Leo XIII, Pius XI and Pius XII, so that from it men may draw inspiration and guidance in coping with contemporary developments, the Pope aims in the new encyclical (1) "to confirm and specify points of doctrine already treated by our predecessors," and (2) "to elucidate further the mind of the church with respect to the new and important problems of the day."

The encyclical has four main divisions:

1. "The Teaching of the Encyclical Rerum Novarum and Opportune Developments in the Doctrine of Pius XI and Pius XII."

2. "Explanation and Development of the Teaching in Rerum Novarum of Private Initiative and the Intervention of the Public Authorities in the Field of Economics."

3. "Reconstruction of Social Question."

4. "Reconstruction of Social Relationships in Truth, Justice and Love."

To save space and come immediately to what is distinctive in the new encyclical, I shall pass over the Pope's résumé of the teaching of his predecessors. This is not an easy decision to make, since the summaries of "Rerum Novarum," "Quadragesimo Anno" and Pius XII's "Radio Message of Pentecost, 1941" are very carefully done and offer an authoritative review of the church's basic social doctrine.

I

Since the publication of "Quadragesimo Anno," society has become increasingly organized, or socialized, and a continuing controversy has raged over the role of the state, private groups, and individual enterprise in the economy. There has been persistent conflict, also, over wage policy, distribution of income, and the status of workers within the business enterprise. Questions have likewise been raised about private property and the importance assigned to it in the church's traditional social teaching. To all these topics the Pope addresses himself in the second part of the encyclical.

A. Private enterprise and the state: The Pope begins by restating three fundamental

principles: (a) the economy is primarily the creation of the personal initiative of private citizens; (b) the state must act positively to promote a productive economy for the benefit of all citizens; (c) its action should be governed by the principle of subsidiarity, i.e., restricted to those undertakings which private groups and individuals cannot accomplish themselves.

In the light of these principles, what is to be said about the expansion of government intervention in the economic sphere?

In the first place, says the Pope, it cannot be denied that technological development and the growth of scientific knowledge have given public authorities new possibilities of controlling economic fluctuations and reducing inequalities within and between countries. Under these circumstances governments feel the need of developing techniques and structure that will enable them to intervene in the economy on a wider scale than in the past.

On the other hand, no matter how widespread and penetrating government intervention may be, it should not destroy the rights of individual persons, including the right of being "primarily responsible for their own upkeep and that of their family." Rather government intervention should be such as to guarantee those rights.

The ideal balance between state intervention and private enterprise is indicated by history and experience. Experience teaches us that where individual initiative is lacking, production stagnates, especially production of "consumer goods and of services which pertain, in addition to material needs, to the requirements of the spirit." Experience also shows that "where the due services of the state are lacking or defective, there is incurable disorder and exploitation of the weak on the part of the unscrupulous strong." The lesson of history then is clear. It shows that there cannot be a well-ordered and fruitful society without the support in the economic field both of the individual citizen and of the public authorities, a working together in harmony in proportions corresponding to the needs of the common good in the changing situations and vicissitudes of human life.

Socialization: Since this is a new word in encyclical literature, the Pope defines it, in mouth-filling polysyllabics, as "the progressive multiplication of relations in society, with different forms of life and activity, and juridical institutionalization." So understood, socialization covers movements and organizations in both the private and public sphere of the economy. It is, he explains, both the cause and the effect of growing state intervention. It results from the active concern of governments with such matters as health, education, care and rehabilitation of the handicapped; but it is also the fruit of a natural tendency in human beings to band together to attain objectives that are beyond their individual reach.

The Pope draws up a kind of balance sheet on socialization.

On the credit side, socialization makes possible the satisfaction of many personal rights, especially those called economic-social. He mentions the guarantee of minimum subsistence levels, health services, opportunities for higher education, gainful employment, housing, suitable leisure and recreation—in a word, the rights guaranteed by what is loosely called the welfare state.

On the debit side, socialization, by multiplying organizations and juridical controls, restricts individual freedom. It creates an atmosphere which makes it hard for the individual to think for himself, to work on his own initiative, to exercise responsibility and enrich his personality.

Weighing the pros and cons, must we conclude, the Pope asks, that socialization necessarily reduces men to automatons?

This is a question, he replies, in a statement that rated headlines, which must be answered negatively.

In order that the advantages of socialization may be realized and the dangers averted, the Pope makes three stipulations: (1) that government officials have a sane view of the common good, one which includes the development of the human personality; (2) that private groups remain independent of the state, subject, of course, to the demands of the common good; and (3) that the members of private groups be treated as persons and encouraged to take an active part in the life of their organizations.

If these safeguards are observed, the Pope concludes, socialization poses no serious threat to the freedom of the individual. Rather it helps to foster in individuals "the expression and development of truly personal characteristics." It also contributes to that organic reconstruction of society which Pius XI considered essential if the demands of social justice were to be satisfied.

Remuneration of work: To a considerable extent, this section is a restatement of the detailed treatment of wage justice in "Quadragesimo Anno." A just wage is one which responds not merely to the family needs of the worker, but also to his output, to the condition of the business and to the requirements of the common good. The Pope makes only one change in this formula. Well aware of the part wage costs play in unfair competition between countries as well as within countries, he expands the concept of the common good beyond national borders to embrace the international community.

The reader should not run over this part of the encyclical too rapidly. It contains (1) a strong reaffirmation of Pius XI's plea that workers be permitted to share in the ownership of the firms which employ them; (2) a warning that today more than ever a just share only of the fruits of production be permitted to accumulate in the hands of the wealth"; (3) a denunciation of the unjust treatment of workers in some of the underdeveloped countries. To wealthy minorities in certain countries in Latin America, in Southeast Asia and elsewhere, the Pope's words will not make pleasant or popular reading.

Justice and productive structure: Possibly more sparks will fly over this part of the encyclical than over any other. The Pope insists here that the demands of justice go beyond an equitable distribution of income and extend to the process of production itself. An economic system may produce an abundance of goods and distribute them fairly, he remarks, but if in the process the sense of responsibility of the producers is blunted or their personal initiative impeded, the system is unjust. Although it is not possible to describe in detail the requirements of an economic structure that conforms with human dignity, some directives can be offered. The Pope, following Pius XII closely in some respects, offers several.

He insists, first of all, on the preservation of the small business enterprise. Small businessmen should themselves strive to adapt to technological change and shifting consumer preference, either alone or through cooperatives. But they will need help—in the matter of credit, for instance, or taxes—and this help the government should offer.

In the second place, in medium-size and large businesses, the workers should be enabled to participate in the activity of the enterprise. Among other things, this means that the workers may have their say in, and may make their contribution to, the efficient running and development of the enterprise. How this is to be accomplished in practice cannot be settled a priori but must be left to experience. The goal, however, is clear:

A humane view of the enterprise ought undoubtedly to safeguard the authority and necessary efficiency of the unity of direction, but it must not reduce its daily coworkers to the level of simple and silent performer without any possibility of bringing their experience to bear (on the running of the enterprise) and entirely passive in regard to decisions that regulate their activity.

In the third place, the Pope recommends that trade unions go beyond collective bargaining to achieve their objectives. Frequently today, he says, it is not the decisions of the individual enterprise that have most effect on workers, but those made by public authorities or by institutions that act on a worldwide, regional, or national scale. It is appropriate, and even imperative, that the interest of workers be represented on those levels.

The Pope concludes this section with a word of heartfelt appreciation to the International Labor Office, which, he says, has made an effective and precious contribution to the establishment in the world of an economic and social order marked by justice and humanity.

Private property: Over the past few decades, the spread of social security, the growth of "fringe benefits" and seniority systems in connection with jobs, and the separation of management and ownership have raised questions about the traditional emphasis on private property in the church's social teaching. The Pope settles this doubt by reaffirming—with an obvious reference to communism—the importance of private property as a "guarantee of the essential freedom of the individual and an essential element in the social order." For the rest, the Holy Father repeats the traditional teaching on the social character of private property and the place rightfully reserved for public ownership.

II

"Rerum Novarum" dealt with the great changes brought about by the industrial revolution; "Quadragesimo Anno," with the breakdown of laissez-faire capitalism after World War I. Both encyclicals concentrated on the nation-state as an economic unit, treating international issues only peripherally. Furthermore, they were mainly directed at industrial problems.

Today the world has suddenly become one in a way it never was before. Everywhere men are talking about the underdeveloped countries, many of which have become independent only with the past 15 years. Industry continues to present challenges, but meantime agriculture is more and more demanding the attention of sociologists and economists, of private organizations and governments. When men once worried about the industrial worker, they now worry about the agricultural proletariat. The times clearly demanded some authoritative word from Rome on farm problems and on a seething world divided between rich and poor nations in which the rich are growing richer and the poor, poorer. "Mater et Magistra" responds to this demand, as "Rerum Novarum" and "Quadragesimo Anno" answered the demands of other times. Pope John's treatment of agriculture and the underdeveloped nations opens new vistas to the Catholic social apostolate.

Agriculture—Depressed sector: An exodus from rural regions to urban centers, the Pope notes, is occurring on such a large scale that it is creating problems difficult to solve. As industry develops and farm technology advances, some shift of this kind is to be expected. What is taking place today, however, is mainly due to other factors, including the key one that almost everywhere agriculture is a depressed sector of the economy. As a result, nations are concerned

with narrowing the imbalance in productive efficiency between agriculture and industry, with reducing the disparity between rural and urban living standards, and with countering the inferiority complex which farmers have come to feel about their work. The Pope offers several directives.

1. Let governments see that essential public services are suitably developed: roads, means of communication, health services, schools, etc.

2. Let an effort be made to see that industry and agriculture develop harmoniously, both as regards technological progress and a mutually profitable interchange of goods.

3. Let the state adapt its tax system to the peculiar nature of farming, provide credit at moderate interest rates, protect farm prices, and offer to farmers the same social security benefits available to the rest of the population.

4. Let farmers unite in cooperatives and other types of organizations to promote their welfare, remembering always the nobility of their work.

As the Pope praised the ILO, so, too, he here expresses his appreciation of the highly beneficial work of the U.N. Food and Agricultural Organization.

Prosperous and poor nations: This is the long section of the encyclical which, very properly, attracted most attention in the press. The Pope himself emphasizes the significance of the topic: Probably the most difficult problem of the modern world concerns the relationship between political communities that are economically advanced and those in the process of development. But if the problem is difficult, the obligation which the disparity between rich and poor nations imposes on the rich is clear:

The solidarity which binds all men and makes them members of the same family requires political communities enjoying abundance of material goods not to remain indifferent to those political communities whose citizens suffer from poverty, misery and hunger, and who lack even the elementary rights of the human person.

This truth is all the more valid "since, given the growing interdependence among peoples of the earth, it is not possible to preserve lasting peace if glaring economic and social inequality among them persists.

This entire section should be read and reread, especially by citizens of the richest country in the world, but the following points are worth special mention:

1. Aid to developing countries must not be a one-shot affair. Emergency assistance is needed, but it cannot of itself remove the causes which create a permanent state of misery and want. For this a long-range program of technical and financial aid is required. Although the Pope is grateful for what has already been done—by governments and private organizations—he says very frankly that aid must be increased beyond the present level and continued "during the next decades."

2. In extending their assistance, he warns the prosperous nations to be disinterested and respectful of the spiritual values of the recipient countries.

3. He exhorts the less-developed countries to learn from the experience of developed nations. It is necessary that they emphasize an increase in production, but it is no less necessary that the increased production be equitably distributed among all their citizens. Social progress must go hand in hand with economic development.

4. The Pope identifies the church with "the revolution of rising expectations" and with the efforts of the developing nations to preserve their distinctive cultures.

5. In a detailed and sympathetic discussion of the population problem, he rejects artificial contraception as a solution and expresses his confidence in the ingenuity of man to increase the food supply, and in his intelligence and good will in bringing about a better balance between population and available resources and in distributing more equitably the abundance now being produced.

6. The Pope stresses again and again the growing interdependence of peoples and the need for cooperation on a world scale, since "the different political communities can no longer adequately solve their major problems in their own surroundings and with their own forces." As a consequence, he deplores the mistrust in the world today and attributes it to the denial of God and the moral order that proceeds from Him. He finds reason for hope, however, in the spreading skepticism about building a paradise on earth and in the growing consciousness of inviolable human rights, combined with an aspiration for more just and more human relations.

III

The reference to the spiritual aspect of today's crisis provides a natural transition to the pastoral exhortation—so much in character—with which Pope John brings the encyclical to a close. This is a moving plea to Catholics to keep spiritual values uppermost in their lives (without, however, questioning the goodness of scientific-technical progress and the material well-being it produces), to realize the implications of their membership in the mystical body of Christ, to know the social teachings of the church and to practice them.

Especially notable in this section is the vigor of the Pope's assertion ("We reaffirm strongly") that "Christian social doctrine is an integral part of the Christian conception of life." Instruction in this doctrine is not to be confined to special institutes but must "be extended by regular systematic courses in Catholic schools of every kind, especially in seminaries." It is to be injected "into the religious instruction programs of parishes and of associations of the lay apostolate." And it should be spread by every means of modern communication, by television, press, and radio.

The Pope does not minimize the difficulty either of the social apostolate or of the times in which we live. Especially with regard to the church's social teaching is the transition from theory to practice difficult, because "of the deep-rooted selfishness of human beings, the materialism in which modern society is steeped, and the difficulty of singling out precisely the demands of justice in particular cases." And as for the times: "Our era is penetrated and shot through by radical errors; it is torn and upset by deep disorders."

Nevertheless, the Pope is confident that with God's help order can be restored to human society, so that all nations may enjoy peace and prosperity. If the age is difficult, "it is also an era in which immense possibilities for good are opened to the church."

The writer cannot bring this summary to a close without adding another voice to the chorus of gratitude for this providential encyclical. "Matter et Magistra" will hearten all those engaged in the social apostolate. It will attract new recruits. It will clarify doubts and dissipate confusion. Attuned to the times, it is an answer to prayer in a revolutionary age.

[From Newsweek, July 24, 1961]

"MATER ET MAGISTRA"

A little more than 2 months ago, Pope John XXIII promised the world a new statement of the Roman Catholic Church's views on social and economic affairs. Last week, after delays in translations from the original Latin, Pope John issued the encyclical letter "Mater et Magistra" ("Mother and Teacher"), named, as is customary, from the opening words. The new encyclical appeared on the 70th anniversary of the church's first great social pronouncement of modern times, Pope Leo XIII's "Rerum Novarum" ("Of New Things") commonly called "On the Condition of the Working Classes." Firmly based on Leo's work, it examines modern problems ranging from underdeveloped nations to birth control and at more than 25,000 words, it is one of the longest since St. Peter began writing letters to his flock in the first century.

The main points:

Foreign aid: Rich nations must help the poor ones, but without attempting to influence them politically.

Communism: Where the personal initiative of individuals is lacking, there is political tyranny. There is also stagnation in the economic sectors.

Socialization: Such things as public education and health services and any cooperation toward ends beyond individual capabilities are good. But sharp watch must be kept on the tendency of socialization to deprive man of the chance to exercise his responsibility, to affirm and enrich his personality.

Population: The real solution to rising population is to be found in technological process and not in birth control—"expedients that offend against the moral order established by God * * *."

Wages and work: "Workers should be paid a wage which allows them to live a truly human life." Depending on the nature of the business, "workers may have their say in the efficient running and development of the enterprise."

Agriculture: Farm living standards should be as close as possible to those in the cities. Cooperatives and professional associations and such measures as price supports and tax relief should be given encouragement.

In his foreword, Pope John notes that with "Rerum Novarum" a "new path was opened for the action of the church." In essence, John went mildly and circumspectly down the path already carved out by Pope Leo XIII and his successors—and dipped his pen in Leo's ornate inkwell when he put his name to the long encyclical.

"Rerum Novarum," known as the Magna Charta of Catholic social and economic theory, was issued at a time when the excesses of laissez-faire capitalism had still not been curbed. Leo chose a Christian path leading between the freewheeling individualism of the rich men and the collectivism of the Socialist and Communist doctrine. From Rerum grew the Christian Democratic movement which took power in many European countries after World War II, opposing communism as well as unchecked capitalism.

The Pope's new encyclical, as one might expect, speaks relentlessly against the Communists. But others—even some on the political left—found that they could agree with much that the Pope said. In Italy, a spokesman of the Social Democratic Party gave the letter a somewhat backward compliment by pointing out that "one can discern in it the validity and the penetrative force of theories which for a century have inspired Socialist doctrine."

In the United States, Daniel K. Schulder, president of the Association of Catholic Trade Unionists, hailed the Pope's views on labor: "He has gone beyond the traditional American concepts of collective bargaining in calling for worker participation in vital decisions."

"By our standards in the United States, the document's tone is extremely liberal," said the Reverend John F. Cronin, assistant director of the social action department of the National Catholic Welfare Conference. "The Pope accepts a wide variety of economic methods, provided only that the individual and the family retain their basic rights."

[From Time magazine, July 21, 1961]

"MATER ET MAGISTRA"

The most important social statement of the Roman Catholic Church in recent centuries has been a document known as "Rerum Novarum" ("Of New Things"), issued on May 15, 1891, by 81-year-old Leo XIII as a papal encyclical—an open letter to the bishops of the church. Dealing directly and forcibly with the social ills facing the world at the turn of the century, it condemned socialism as immoral but supported trade unions and higher wages, state regulation of industry and broader distribution of property and wealth. Brought up to date 40 years later by Pope Pius XI, it is the starting point of modern Catholic social thought and the ideological bedrock on which today's huge Christian Democratic parties in Italy, Germany and Belgium are founded.

Last week, to celebrate the 70th anniversary of "Rerum Novarum," Pope John XXIII issued his own social encyclical, a message firmly oriented toward the new problems of the mid-20th century. Titled "Mater et Magistra" ("Mother and Teacher") and addressed broadly to "all Christians," it is 25,000 words long—probably the longest encyclical in history—and ranges farther and wider than either of its two predecessors. It is also more polished; John and his advisers have been tinkering with it for many months, and its publication was reportedly delayed several times for last-minute changes.

A CREATION OF FREE MEN

"Mother and Teacher of all nations," it begins, "the Universal Church has been instituted by Jesus Christ so that all who in the long course of centuries come to her for loving embrace may find fullness of higher life and a guarantee of salvation." What follows sets forth "new aspects of the social question," and recommends means for the "reconstruction of social relationships in truth, justice and love."

"Mater et Magistra" takes careful measure of the massive power that science and technology have given the state to raise living standards and increase social welfare. It also warns the state of the danger this power carries to restrict the freedom of the individual. The state must therefore be careful to protect "the right that individual persons possess of being always primarily responsible for their own upkeep and that of their own family, which implies that in the economic systems the free development of productive activities should be permitted and facilitated."

Pope John left no doubt that in the church's view progress and "the natural right of private ownership, inclusive of productive goods," are inseparable. But John was also aware that the set of the modern state is toward what he calls "socialization"—"the fruit and expression of a natural tendency, almost irrepressible in human beings, the tendency to join together to attain objectives which are beyond the capacity and means at the disposal of single individuals." But socialization does not necessarily turn men into automatons. "For socialization is not to be considered as a product of natural forces working in a deterministic way. It is, on the contrary, as we have observed, a creation of men, beings conscious, free and intended by nature to work in a responsible way."

Where private enterprise makes it possible, Pope John urged that workers acquire shares in the firms that employ them. A onetime farm boy himself, John dug deep into the problems of ailing agriculture, especially critical in Italy, offering various solutions, including state aid, tax reform, cheap capital, social security and price protection.

POPULATION EXPLOSION

Probably the most difficult problem of the modern world, he said, is the inequality between rich and poor nations. In a remark clearly applicable to the United States, he said that countries with more than enough food must share it with those that have too little—"to destroy or squander goods that other people need in order to live is to offend against justice and humanity." But, while lending such assistance, the economically advanced countries must "overcome the temptation to impose themselves by means of these works, a new form of colonialism." On the other hand, the population explosion, "at least for the moment and in the near future," did not seem to create a "difficulty" on a world scale, and even in critical local situations the use of contraceptives was never justified.

THE FUNDAMENTAL ERROR

Pope John did not designate communism by name, but he pointed out: "Experience has shown that where the personal initiative of citizens is missing, there is political tyranny." He then skillfully thrust through to communism's most vulnerable spots—its promise of a temporal paradise, its scoffing at man's deeply felt religious needs, its persecution of Christian believers: "In the modern era, different ideologies have been devised and spread abroad. Some have been dissolved as clouds by the sun; others have waned much and are losing still more their attraction on the minds of men. The reason is that they are ideologies which consider only certain and less profound aspects of man. And this because they do not take into consideration certain inevitable human imperfections, such as sickness and suffering, imperfections which even the most advanced economic-social system cannot eliminate. Then there is the profound and imperishable religious exigence which constantly expresses itself everywhere, even though trampled down by violence or skillfully smothered.

"In fact, the most fundamental modern error is that of considering the religious demands of the human soul as an expression of feeling or of fantasy, or a product of some contingent event, and should be thus eliminated as an anachronism and as an obstacle to human progress. Whereas by this exigency human beings reveal themselves for what they really are.

"It is true that the persecution of so many of our dearly beloved brothers and sons, which has been raging for decades in many countries, even those of an ancient Christian civilization, makes ever clearer to us the dignified superiority of the persecuted and the refined barbarity of the persecutors, so that, if it does not give visible signs of repentance, it induces many to think.

"But it is always true that the most perniciously typical aspect of the modern era consists in the absurd attempt to reconstruct a solid and fruitful temporal order prescinding from God and, if possible, extinguishing man's sighing for God."

THE MORAL ORDER

It has been the historic hope of the church down through the ages to act as peacemaker between man and man, nation and nation. Today, the Pope noted, individuals are growing increasingly convinced of the need for mutual understanding and cooperation, but their leaders seem unable to understand one another. The reason, wrote John, is that "men, especially those more responsible, are inspired in the unfolding of their activity by different or radically opposed concepts of life. Unfortunately, in some of these concepts the existence of the moral order is not recognized; an order which is transcendent, universal, absolute, equal, and binding on all. Thus, they fail to meet and understand each other fully and openly in the light of one and the same law of justice, admitted and adhered to by all. Mutual trust among men and among States cannot begin or increase except by the recognition of and respect for the moral order."

[From the Commonweal, July 28, 1961]

THE NEW ENCYCLICAL

When Cardinal Roncalli was elected Pope in the fall of 1958, it was immediately obvious that here was no "caretaker Pope" but a strong and vigorous man who knew what he wanted to do and promptly set about doing it in his own way—a way which was highly informal, "human" and extremely effective, no matter what the traditionalists thought of it. There was, for instance, his restoration of the old practice of visiting the prisoners ("since you could not come to see me, I came to you"). There was his instruction to L'Osservatore Romano to drop excessive formality in reporting on his doings, suggesting that "the Pope said" was preferable to the traditional but stilted expressions that were commonly used. There was his call for an Ecumenical Council, with the Pope himself specifying that it represented an invitation to Christianity's "separated communities in quest of unity."

As a result of the vigor and imagination with which he has gone about this pastoral duties, few Popes before John XXIII had as immediate and as striking an effect, not only on Catholics but on the entire world. This same pattern seems to be repeating itself in the case of "Mater et Magistra," the eagerly awaited encyclical celebrating the 70th anniversary of Pope Leo's "Rerum Novarum." Pope John's message was front-page news in most of Western Europe and the United States, and his words are already being seriously considered and praised in most of the capitals of the world.

The new encyclical is the longest in history, and it will be studied and discussed for years to come. Like all the social encyclicals, the principles contained in "Mother and Teacher" are not easily absorbed in one reading; like all the social encyclicals, there is frequently more in the new work than at first meets the eye. But with that much qualification, this can be said immediately: The new encyclical will be a historic landmark in Christian efforts to apply immutable principles to the changing conditions of the modern world.

Issued as it was in commemoration of "Rerum Novarum," "the Magna Charta of social reform," the new encyclical echoes in its main theme the spirit of Pope Leo XIII. Thus it stresses the primacy of the spiritual and rejects materialism, condemns communism and issues a clear call for increased efforts on behalf of social justice. On this latter score Pope John, himself the son of a peasant, gave particular attention to the plight of the farmer, as well as to the just desire of workers for a greater voice in their industries, and to the problem of underdeveloped areas of the world.

It was the last point, the relationship between wealthy nations and the underdeveloped areas, that attracted most newspaper attention, and understandably so, for Pope John referred to it as "probably the most difficult problem of the modern world." Communities which enjoy abundance of material goods cannot remain indifferent to those nations "whose citizens suffer from poverty, misery and hunger, and who lack even the elementary rights of the human person." The Pope therefore reiterated that "it is necessary to educate one's conscience" and that "we are all equally responsible for the undernourished peoples." Praising those nations which have aided the underdeveloped areas in the past, the new encyclical stresses the fact that "emergency aid, although a duty imposed by humanity and justice, is not enough." Rich nations must cooperate in developing the primitive economies of backward areas, while at the same time avoiding any "new form of colonialism." Without the elimination of "glaring economic and social inequality" in the modern world, no lasting peace will be possible.

In their treatment of the encyclical, all the newspaper stories we have seen so far have stressed the fact that the Pope was not speaking ex cathedra—that the encyclical does not define a doctrine of faith or morals that binds Catholics under pain of sin. In one sense this caution is a healthy sign, for there has been in some circles too much tendency to create a "Catholic party line" on social questions involving a great measure of prudential judgment; at the same time, however, it should be noted that this approach could be pushed too far. The new social encyclical represents a solemn application of traditional Catholic principles to the problems of our day, and this by the successor of St. Peter; it therefore has to be regarded with the utmost gravity. No one, certainly, should take the statement that "Mater et Magistra" is not ex cathedra to mean that the principles it enunciates can be lightly dismissed or easily evaded.

LABOR AND PAPAL ENCYCLICAL

For the third time in 70 years, a head of the Roman Catholic Church has issued a comprehensive statement of major concern to labor, management and society in general. The famous "Rerum Novarum"—even in title—was an acknowledgment of new developments in the world which were of major concern to the workers of the world. Forty years later—in 1931—came the "Quadrogesimo Anno" which built on the earlier statement. Now, Pope John XXIII has added a distinguished and deeply signficant social and economic statement for his church. Because of his position and the quality of the evaluation of the present problems, this latest encyclical is bound to have an effect which reaches far beyond the Roman Catholic Church.

What impresses a non-Catholic reader is how range and depth have been combined in this area. I am not competent to judge the theological sections, but there is no doubt that the Catholic thinkers have shown how intimately their church has followed the evolution of social development. Although there is always a natural effort to build on past encyclicals, they are used points of departure from which new social expeditions set out.

MEANING OF SOCIALIZATION

There is no shrinking in this encyclical from words or concepts which are often used by some to belittle necessary reforms in our society. Instead of too much paraphrase of the encyclical, I want to cite some of the relevant sections:

I. Government and the economy: This is discussed in several sections. It deals among other things with the role of government in our economy. There is no denial of its implications:

"Today the development of scientific knowledge and productive technology offers the public authorities concrete possibilities of reducing the inequality between the various sectors of production, between the various areas of political communities, and between the various countries themselves on a worldwide scale."

Note this: "This development also puts it within their capability to control fluctuations in the economy, and, with hope of success, to prevent the recurrence of massive unemployment." This means action: "Consequently, those in authority, who are responsible for the common good, feel the need not only to exercise in the field of economics a multiform action, at once more vast, more profound, more organic, but also it is required, for this same end, that they give themselves suitable structures, tasks, means, and methods."

At this point, the importance of individual freedom is once again emphasized, as a basic balancing force. Then: "Historic evolution itself puts into relief ever more clearly that there cannot be a well-ordered and fruitful society without the support in the economic field both of the individual citizen and of the public authorities, a working together in harmony."

"Experience shows that where the personal initiative of individuals is lacking, there is political tyranny but there is also stagnation in the economic sectors engaged in the production, especially of the wide range of consumer goods and of services which pertain, in addition to material needs, to the requirements of the spirit * * * which call into play in a special way the creative talents of the individuals. Where the due services of the state are lacking or defective, there is incurable disorder and exploitation of the weak on the part of the unscrupulous strong who flourish in every land."

II. On remuneration of work: Out of the 26,000-word encyclical, it is hard to select what seems to be the most relevant to your interest. Actually, the theme of satisfaction of social and individual needs is repeated and rewoven in many ways.

Certainly the principle of standards for payment of wages and economic rewards is of key interest.

"The remuneration of work cannot be left entirely to the laws of the market, neither can it be fixed arbitrarily. It must rather be determined according to justice and equity.

"This requires that the workers should be paid a wage which allows them to live a truly human life and to face up with dignity to their family responsibilities, but it requires too that in the assessment of their remuneration regard be had to the production and to the economic state of the enterprise and to the requirement of the common good of the respective political communities, especially with regard to the repercussions on the overall employment of the labor force in the entire country.

"The demands of the common good on the national level must be considered: to provide employment to the greatest number of workers, to take care lest privileged classes arise, even among the workers, to maintain an equal balance between wages and prices, and make goods and services accessible to the greater number of citizens, to eliminate or keep within limits the inequalities between sectors of agriculture, of industry, and of services."

On labor groups: The importance of trade unions and their recognition under law is emphasized. The encyclical points out the importance of trade union activity beyond collective bargaining—as basic as that is.

He urges wide participation by trade union groups in all enterprises, economic and political. Because of the pervasive importance of the public institutions and of government, the full participation of workers or their representatives is imperative. This emphasis on the importance of political activity, beyond the trade union and economic sector, carries special significance.

The importance of international labor confederations is warmly encouraged, those of nonchurch as well as those which come under inspiration.

The encyclical cites, by name, the International Labor Organization, "which for decades has been making its effective and precious contribution to the establishment in the world of an economic and social order marked by justice and humanity, where also the lawful demands of the workers are given expression."

The PRESIDING OFFICER. The time yielded to the Senator from Minnesota has expired.

HELP NEEDED FOR THE BROILER INDUSTRY

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Missouri [Mr. SYMINGTON].

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. SYMINGTON. I thank the distinguished minority leader for yielding this time to me.

Mr. President, on the floor of the Senate Thursday afternoon, July 27, as reported in the CONGRESSIONAL RECORD starting on page 13701, the distinguished minority leader of the Senate [Mr. DIRKSEN], the senior Senator from Delaware [Mr. WILLIAMS], the senior Senator from Vermont [Mr. AIKEN], and the senior Senator from South Dakota [Mr. MUNDT], raised a question as to the method by which an amendment to the farm bill was adopted in the Senate on Wednesday afternoon, July 26.

The wording to which these distinguished Senators from the other side of the aisle take exception was that included in an amendment presented by the able junior Senator from Minnesota [Mr. MCCARTHY], a member of the Senate Agriculture Committee, at my request, to include authority for marketing agreements and orders on chicken-hatching eggs.

Mr. President, our colleague from Minnesota left Wednesday night, on official business of the Senate, to attend an international meeting in Chile, and will not return until a week from Monday.

So that there may be no further misunderstanding such as that brought to the floor of the Senate on Thursday, at this time I should like to present to the Senate the basis on which I requested this amendment, and on which it was offered by Senator MCCARTHY and accepted by the distinguished chairman of the Senate Agriculture Committee, Senator ELLENDER, and then was included in the bill without objection.

Many of the broiler growers of southwest Missouri, the important broiler-producing section of my State are facing bankruptcy. The situation has steadily worsened since the heavy demands just prior to July 4.

In southwest Missouri the cost of production is generally considered to be at least 14 cents a pound. This week, broilers in Missouri have been selling for 10 cents a pound.

According to reports from broiler producers in my State who have been in touch with broiler producers in Arkansas and many other heavy production areas, this condition is not confined to Missouri alone.

Illustrative of this situation, I ask unanimous consent to have inserted at this point in the RECORD a few of the telegrams received from producers in my State.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

JOPLIN, MO.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.:

Broiler growers in desperate need. Guarantee per pound cut from 2 cents to 1 cent. Present market 10 cents. Cost of production 14 cents. Just about the end of rope. Please help.

JOHN M. HELM.

WASHBURN, Mo.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.:

Broiler situation critical. Our contract cut to 1 cent per pound. Our small feed dealer cannot pay 14 cents production cost with current 10-cent market. This community depends on broiler profits. We need help.

PASCHELL PATTERSON.

WASHBURN, Mo.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.:

We broiler producers cannot survive current market price. Local feed dealer and many growers going broke. Help us.

GEORGE OAKLEY.

WASHBURN, Mo.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.:

The broiler growers of southwest Missouri are in dire need of help. Many are going broke. This situation is not confined to us alone. Our guarantee has been cut in half. The market is now 10 cents per pound which is 4 cents below the cost to produce them. We would appreciate your help.

Sincerely,

ROBERT W. WINDES.

JOPLIN, Mo.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.:

Wish to draw your attention to the situation of the broiler growers. We have been cut from 2 cents to 1 cent per pound. The cost to produce a bird is 14 cents per pound. The market is now 10 cents.

CHRIS MORGAN.

WASHBURN, Mo.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.:

Broiler growers in desperate need. Guarantee per pound cut from 2 cents to 1 cent. Please help.

CLARENCE CLANTON.

JOPLIN, Mo.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.:

The broiler grower contract price cut from 2 cents to 1 cent. The cost of production 14 cents per pound and up. Selling now 10 cents and expected to go to 8 or 9 cents a pound. Critical situation. Many broke and without livelihood. No telling what's going to happen if this is allowed to go on. Please act at once. Don't wait 1 day. We believe price supports and production control such as we have on wheat the only answer. Situation critical not just serious. Please, please act at once.

Yours truly,

CLINE HANCOCK.

CASSVILLE, Mo.

JOPLIN, Mo.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.:

Subject marketing of live poultry needs attention immediately due to 10-cent-pound market. My profit has been cut from 2 cents to 1 cent a pound on 10,500. My weekly wage at present amounts to $31.50. Situation critical. Please check. Thank you.

E. R. VAN ZANT.

WASHBURN, Mo.

Mr. SYMINGTON. Mr. President, I should like to direct particular attention to one telegram received from one of the outstanding businessmen of Washburn, Mo., Mr. John Dunlap, Jr., of Dunlap Produce. Mr. Dunlap wires that he has lost $30,000 on broiler production since May 1.

Mr. Dunlap further urges control of broiler production in any form, and reports that contract growers are now being paid only 1 cent a pound, instead of 1½ or 2 cents a pound, as was formerly the case.

Broiler producers tell me that 1 cent a pound will not even give them a living wage, let alone anything for their depreciation, interest or return on their investment.

Mr. President, following these reports of very serious problems in my State in the broiler industry, the first of this week I checked with the poultry experts in the Department of Agriculture as to the situation in other broiler producer areas.

The Department of Agriculture statisticians report "average farm broiler prices for May, June, and July were the lowest for any month since records began in 1940."

Mr. President, I ask unanimous consent to have inserted at this point in the RECORD a statement on the present broiler situation, prepared by the Department of Agriculture.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE BROILER PRICE SITUATION

The present price situation in the broiler industry has been developing since May of 1960. Beginning at that time and extending through April of 1961 the number of pullet chicks placed on farms for the production of broiler hatching eggs exceeded a year earlier by an average of 24 percent. A pullet begins to lay at about 6 months of age and will generally be kept in production for almost a year. The expansion in broiler hatchery supply flocks, which began in May of 1960, thus foreshadowed a substantial increase in the placement of chicks on farms for broiler production. Broiler marketings began to reflect a substantial increase in November of 1960 and marketings have continued relatively very heavy ever since. The table below indicates the estimated percentage increase in broiler marketings during 1961 as compared to 1960:

Percent increase in broiler marketings, 1961 versus 1960

	Percent
January	+18
February	+7
March	+5
April	+13
May	+19
June	+28
July	+11

The pressure of heavy supplies of broiler hatching eggs will continue for the balance of 1961 and into the early months of 1962. To get these supplies after early 1962 below the previous year it needs to be assumed that pullet chick replacements in hatchery supply flocks will continue to decline relative to a year earlier as they have during the last 2 months. As long as the supply of hatching eggs is heavy, chick placements for broiler production will also tend to be heavy. Current placements are running 10 percent above a year ago despite the current low producer price.

The foreseeable marketable supply of broilers is above 1960 levels by 7 percent in August and 9 percent in September. Early October marketings will be about 10 percent above the same period in 1960. Because of these seasonally heavy supplies, producer prices can be expected to continue near present levels through perhaps September and could be lower in October and later if present trends in egg settings continue.

U.S. average farm prices for broilers by months in 1960 and to date in 1961 have been as follows:

U.S. average farm price for live commercial broilers

[Cents per pound]

	1960	1961
January	17.1	16.5
February	17.6	17.6
March	18.0	16.8
April	17.4	15.1
May	17.5	14.4
June	17.6	12.8
July	17.7	[1] 12.5
August	16.6	------
September	15.8	------
October	15.8	------
November	15.7	------
December	15.5	------

[1] Estimate.

Mr. SYMINGTON. The problem was also discussed with others who have studied the poultry situation over the years.

Without exception, the advice of these experts on this problem was that marketing orders and agreements were the best way to approach the problem and work out a stabilized market at a living price for the broiler industry.

This also was the recommendation included in the report of the Subcommittee on Food Industries of the Select Committee on Small Business of the House of Representatives, of which a former Member of the House from Missouri, the Honorable Charles H. Brown, was chairman.

Representative Brown and his committee spent many months studying the problems in the broiler industry. The No. 1 recommendation of his committee in the report filed on January 3, 1959, stated "that the broiler industry attempt to formulate a program for orderly production and marketing."

The former Congressman told me that, in his opinion, the only way in which this could be done was through marketing orders and agreements.

Later, this statement was substantiated by the poultry experts in the Department of Agriculture.

Based on this advice and this study, on Wednesday I discussed the problem with Senator MCCARTHY, who said that he was introducing to the farm bill an amendment which would make marketing orders and agreements possible for turkey hatching eggs. I asked that he include chicken hatching eggs with his amendment, which he did.

He offered his amendment to provide authority for marketing agreements on turkey hatching eggs and chicken hatching eggs. The amendment was thereupon adopted, without objection.

The wording which Senator MCCARTHY offered to the Agricultural Act at my request would extend to the Department of Agriculture the same authority for developing marketing agreements and orders on chicken hatching eggs that would be extended under the bill, as now amended, for turkey hatching eggs.

Let me emphasize that such marketing agreements for chicken hatching

eggs could be put into effect only if approved by two-thirds of the producers who would be regulated by such an agreement or order. In other words, this is enabling legislation, and would be subject to the approval of the producers, as well as subject to findings in an investigation, public hearings, and determination by the Department of Agriculture as to the necessity for such proposed marketing agreement and order.

The procedures and safeguards for adopting marketing agreements and orders were clearly summarized in the Senate Committee Report No. 566 on the farm bill, S. 1643. I ask unanimous consent to have inserted at this point in the RECORD this summary, from page 39 of the committee report.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

Interested producer groups in an area petition the Secretary for the initiation of a program under the act. If the Secretary, after investigation, determines that there is reason to believe that such a program will tend to effectuate the purposes of the act, he publishes a notice in the Federal Register informing interested persons that a hearing will be held and setting forth the regulatory provisions of the program under consideration. The public hearing is held, presided over by an examiner appointed under the Administrative Procedure Act, at which hearing all interested persons may introduce evidence pertinent to the proposed program with the right of cross-examination of all witnesses existing. After the close of the hearing, parties interested are afforded an opportunity to submit proposed findings and conclusions, together with briefs with respect thereto. Thereafter, a recommended decision is prepared and issued by an authorized official of the Department setting forth recommended findings and recommendations as to the regulatory provisions of the program. Interested persons are afforded an opportunity to file exceptions and briefs thereon with respect to the recommended decision. All provisions relating to the program must be supported by evidence of record in the hearing. The matter is then referred to the Secretary for final decision. The Secretary issues a final decision containing a proposed marketing agreement and order. The marketing agreement and order must contain the same regulatory provisions. After handlers have had an opportunity to sign the marketing agreement, the order is then submitted to a referendum of producers to determine whether or not they approve the issuance of the order. In general, for an order to issue, two-thirds of the producers voting in the referendum, or two-thirds of the volume of the commodity represented in the referendum, must indicate approval of the order. A marketing order may issue even though a majority of handlers fail or refuse to enter into the companion marketing agreement. Marketing agreements may be effective without orders and without producer approval. However, an agreement must be terminated if a majority of producers favor termination.

Mr. SYMINGTON. Mr. President, as members of this body know, an amendment similar to the McCarthy amendment was offered in the House yesterday by Representative ELLIOTT, of Alabama, to provide authority for marketing orders on broilers, fryers, and hatching eggs used in their production.

The Elliott amendment was first adopted by the House by a 66-to-63 division vote, but then was rejected by a teller vote of 97 to 93.

In view of the seriousness of the broiler situation in my State of Missouri, and, I am sure in many other States, I hope that our conferees who go to conference will in their wisdom work out the best possible solution to this problem.

If, however, some members feel that they were not properly notified in advance of the intention to amend the Senate farm bill to include "chicken hatching eggs" for marketing agreements, I would not object to instructions to the conferees to drop that authority.

I would hope, however, that early consideration could be given both in the Senate Agriculture Committee and on the Senate floor, to authority for marketing agreements that would appear essential to the recovery and health of the broiler industry. I also hope the Department of Agriculture would pursue vigorously proposals for increased purchases of broilers for school lunches and other consumptive uses of the present overproduction.

Again I thank the able minority leader for yielding this time to me.

MARINE SCIENCES AND RESEARCH ACT OF 1961

The Senate resumed the consideration of the bill (S. 901) to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and laboratory facilities, to expedite oceanographic instrumentation, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the public health and general welfare, and for other purposes.

Mr. DIRKSEN. Mr. President, what time now remains?

The PRESIDING OFFICER. The Senator from Illinois has 35 minutes remaining under his control.

Mr. DIRKSEN. Mr. President, I may not use all that time.

When I have finished paying my compliments to what I call "the billion dollar fantasy" now before the Senate, I shall be content to have the issue decided by a yea-and-nay vote. I shall not make a motion to recommit; and I shall not submit any amendments of any kind, because I do not believe that amendments of any kind could cure the bill that is before us.

Mr. President, this is an amazing bill. I say it is a billion dollar fantasy because it has to be. A bill which can get to the Senate Calendar, even though it was not requested by the President of the United States, and even though it is opposed by most of the leading departments and agencies of the Government, and although there was no testimony on it by governmental witnesses, has to be a fantasy, ever to get on the Calendar of the United States Senate.

The bill is certainly all embracive. All one needs to do is read the title:

A bill to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and laboratory facilities, to expedite oceanographic instrumentation, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the public health and general welfare, and for other purposes.

All one needs do is add the kitchen refrigerator, and then everything will be included in the bill.

In addition, Mr. President, the bill calls for a 10-year program.

First, with respect to the dimensions of the bill, I point out that it authorizes activities and funds for 5 different departments and 14 agencies of the Federal Government. If that is not all embracive, then I have never seen an all-embracive bill.

As I figure the cost involved in the bill, there is an authorized direct cost of $500 million; and there is an authorization for a total of 61 ships, to cost $300 million; and then there are 35 open-end authorizations in the bill; and it is also rather interesting to go through the bill and see the statements "such sums as are necessary," "such sums as are necessary," "such sums as are necessary"—that fairly interlard the bill, from the first page to the last one.

When it came to the Senate, it contained, among other things in it, at least seven or eight provisions that the appropriations in this measure shall be in addition to all other appropriations. The exact language, and I pick one of them from page 55 of the bill, reads as follows:

All appropriations authorized in this act shall be in addition to other appropriations provided for the various departments, agencies, bureaus, and offices to carry out their duties under law.

That language has been deleted by action of the distinguished chairman of the committee, but it was in the bill when it came to the floor, and so at least eight different items, all reading the same, have been taken out of the bill after it got to the calendar and after it was called up for action.

I have consulted a little around the edges, and I take it, from information we got from the Budget Bureau, that this would be in addition to all other appropriations for the purposes cited in the bill.

It is said that this is the President's program. Well, let me see whether it is the President's program, because I refer to the President's own message, which is in the report beginning on page 85. In the President's message on oceanography, there is this statement:

I am therefore requesting funds for 1962 which will nearly double our Government's investment over 1961, and which will provide

$23 million more for oceanography than what was recommended in the 1962 budget submitted earlier.

Down below, in the same message from the President, it is recited:

This is an increase of $9 million over the 1961 level (for basic and applied research).

Then the President specifically asks that the limitations for the Coast Guard be deleted, which has already been done in Senate bill 1189, passed by the Senate and the House, on which no conference, insofar as I am aware at the moment, has ever been called.

Those were the specific requests. The rest of the President's message was in character in this whole field; but I would like to see anything by way of a specific request that calls for all the things contained in the present bill.

I say this is an astonishing fantasy, first because 5 departments and 14 agencies of the Federal Government are not only either opposed or say it is unnecessary, but they had no chance to testify.

There were 3 days of hearings in 1960. There were 3 days of hearings in 1961. Why were not the Government witnesses who are going to spend the money and administer the provisions of the bill called before the committee? What we see in the committee report are letters from agencies, not testimony; and if this is not a billion-dollar fantasy, I have never seen it.

What does the Treasury say about the bill? Look at page 92 of the report. The Treasury says, "Enactment of S. 901 is unnecessary."

What does the Office of Civil and Defense Mobilization say? Look at page 93 of the report. They say this bill is unnecessary.

What does the National Science Foundation say? That is one of the godchildren of my distinguished friend from Washington. I pay high tribute to him for the patience with which he labored and finally brought into being the National Science Foundation. It is his godchild. But what does his godchild rise up to say today with respect to the bill? The National Science Foundation is not for this bill and is not for the creation of a marine sciences division as such in the National Foundation.

What does the Navy say? My distinguished friend served with high courage and gallantry in the U.S. Navy as a lieutenant commander. He is devoted to the great traditions of the Navy. I am sure they have for him the ultimate of respect. Yet his own branch of the service rises up, as indicated on page 95, to say that they are opposed to the bill. Maybe that is the tradition of the cruel, cruel sea, as Mr. Hemingway put it. [Laughter.]

I never saw service in the Navy. I was a wagon soldier and a balloon soldier in World War I. But the Senator from Washington had distinguished service in the Navy, and his own service says, "We are opposed to the bill." That statement will be found on page 95 of the report.

What does the Interior Department say, as appears on page 96 of the report? "We recommend no action because we regard it as unnecessary."

What does the Department of Commerce say? Look at page 98 of the report. The Department says it is unnecessary.

What does the Atomic Energy Commission say, as appears on page 99 of the report? In its letter, the Commission says it is unnecessary.

How we get a billion dollar fantasy to the Senate floor when the Treasury is against it, when the Navy is against it, when the National Science Foundation is against it, when the Office of Civil and Defense Mobilization is against it, when the Interior Department is against it, when the Commerce Department is against it, when the Atomic Energy Commission is against it, is more than I know. I wish I had the talent to get a bill to the Senate floor, or even get it to a committee, with that kind of opposition in the New Frontier itself.

I would not demean my own Cabinet members as they were demeaned on the floor by saying they want their own little satrapies, their own little kingdoms, their own agencies, kept in it, and therefore they were opposed. I would not say that against Luther Hodges, a great American, and Secretary of Commerce. I would not say the Secretary of the Navy was so selfish that he wanted to hold onto this. I would not say the National Science Foundation, which has done such a great job and on which we have showered hundreds of millions of dollars, should be demeaned by saying it wants to hold onto its own structure and its own little niche in government.

Far be it from me, a conservative, and sometimes alleged to be a reactionary, Republican, to say that about the Cabinet embraced in the New Frontier. But they are on record, and the letters are dated 1961. But the bill is here, and the President did not request this authority in his message. He asked only for a few simple things, and nothing more. But it is here. It is here. I do not know how the Senate is going to dispose of it this afternoon. I only know that I am going to try, in my modest way, to uphold the hand of the President of the United States when it comes to maintaining a solvent country.

What did the President say on Tuesday night to the people of the United States in his report? This is what he said:

This improved business outlook means improved revenues; and I intend to submit to the Congress in January a budget for the fiscal year which will be strictly in balance.

That is a dandy. [Laughter.]

He goes on to say:

Nevertheless, should an increase in taxes be needed to achieve that balance in view of this or subsequent defense rises, those increased taxes will be requested.

Here is the nub of what the President said, on which I put emphasis:

Meanwhile, to help make certain that the current deficit is held to a safe level, we must keep down all expenditures not thoroughly justified in budget requests.

There is no budget request for what is embraced in the pending bill. I made it my business to find out. The Bureau of the Budget is opposed to the bill. I know it is opposed. I have not been around Washington for 28 years without knowing how to go to the right source to find out how an agency feels about a bill of this kind.

The program in being, to be boosted, jumped from $55 million in 1961 to $97 million in 1962. I have no way of estimating where it would go over a 10-year period, for the committee inserted into the bill, before the bill came to the Senate, on pages 15, 24, 32, 40, 54, and 55 the language:

Appropriations authorized in this section shall be in addition to other appropriations provided for such Department.

Someone discovered that weakness, so it was corrected by the committee itself.

Think of the open-end appropriations. There are 35 open-end authorizations in the bill, under the language, "such sums as may be necessary."

"Such sums as may be necessary."

There are $500 million of specific authorizations. There are $300 million for ships. It would be a pretty feeble bureaucrat indeed, in this great, sprawling governmental system, who could not think up another $200 million project in a year, to make this the billion dollar fantasy I call it.

With all of the agencies opposed, I simply go back to the challenge to the country in the President's message. This has not been budgeted. It comes to us with the usual language, "There is no objection to sending this," or "that" or "the other to the Congress." That is a long way from endorsement and support.

I pay tribute to some skillful people who drafted the bill. It is exceedingly well done, but it is still a billion dollar fantasy. It parts character with what the President of the United States is doing, even though he sent us an oceanographic message in general terms.

I ask Senators to find for me anything in the message in which the President of the United States specifically requested anything like this bill.

I shall try to hold up the President's hand. I shall try to set myself to the business of keeping this Government on sound and solvent levels. There has been such a concourse of bills through the House and Senate that, as the distinguished Senator from Massachusetts pointed out a little while ago, it now looks as though we are headed for an $8 billion deficit. Think of that—an $8 billion deficit.

When we take into account all of the commitment which have been made, with the amounts to be appropriated growing as the years go by, that figure will rise. Conceivably, unless there is a windfall from an unseen cornucopia in the form of revenue, in the following fiscal year the budget deficit may be infinitely larger. This is a great load to put around the necks of the American people at the time when the very firmament of the world is alive with the hot fever of controversy which could, God forbid, break

out at any time. If it does, of course we shall then be looking for fiscal shelter, so to speak. We shall wish, perhaps, that many of these commitments had not been put on the books.

I remember the distinguished Representative from New York, Bruce Barton, who came to the House of Representatives a great many years ago. He was running for office in a New York City district. He had a platform which embraced only a single sentence, "to repeal one law a day." He did not even succeed in having a comma repealed, let alone a law. I allude to this only to indicate that when these things go on the statute books it is extremely difficult to get them off. Meanwhile, we are diffusing and expanding the functions without end, making commitments which will have to be honored in the years to come.

It was pointed out, for instance, with respect to aid to education, when the bill was before the Senate, "Oh, the first year there is a modest amount involved, only $463 million." What about the next year and the next year and the year after that? These commitments take on great form in the years to come.

The cash expenditure budget of the United States, including the trust accounts, in this year is $106 billion, according to the best figures I could summon.

We are talking about moon shots today. I do not know when we shall put a man on the moon, but we have put the budget on the moon. If we would translate the dollars into silver dollars and lay those silver dollars end to end they would make 50 strings from the earth to the moon. We may not put a man on the moon for awhile, but our budget is there. If revenues do not improve, as time goes on, of course there will be a bad effect, and the President will be compelled, as he stated to the people he would do if necessary, to request increased taxes.

Pile up the load. Continue to authorize these appropriations. Once they are authorized, what we regard as a citadel of resistance in the Appropriations Committee will be as nothing against the heat, the influence, the power, and the pressure to be put on by Government agencies and others in order to keep the old ship rolling.

I did not spend 18 years on the Committee on Appropriations for nothing. I know what it is to have a room full of witnesses and receive telegrams and letters which say, "You must not put your profane hands upon this or upon that," even though the very solvency of the country was involved.

Today, Mr. President, I summarize by saying that this is a fantasy if I ever saw one. This is 10 years of it. What peculiar rigidities we would fashion upon an entire decade. Do we wish to live with that? The natural answer is, "We can amend the law," but we will amend the law only when we succeed in getting language through the House, through the Senate, and over the signature of the President.

No, none of those dodges will do the job. We shall come to grips with this problem today. Whether it is regarded as a political issue or an economic issue, I am ready to meet the challenge with this bill and with any other bill of like kind which may come along. I shall let the Senate pass upon this fantastic measure, to see whether a majority of the U.S. Senate, in view of the fevers which are mounting to the skies in Asia, in Europe, in the Middle East and elsewhere, wish to commit themselves to 10 years of this kind of expenditure, when 5 departments and 14 agencies of the Government have stated that this is unnecessary and have voiced their opposition.

I saluted my distinguished chairman of the committee, the Senator from Washington, for having gotten the bill to the floor of the Senate, but he will not get it beyond the Senate so far as my vote is concerned.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DIRKSEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Illinois has 12 minutes remaining.

Mr. DIRKSEN. I yield to the distinguished Senator from Ohio [Mr. LAUSCHE].

Mr. LAUSCHE. Mr. President, I contemplate voting against the bill because I believe that except for the provision of funds needed to defend our country, there is no more important task before the Congress than to preserve our fiscal integrity.

On May 25 the President of the United States appeared before a joint session of the Congress and, among other things, discussed the need for exercising caution in the Congress in the expenditure of money. At that time he said:

> It will be necessary to hold tightly to prudent fiscal standards. I must request the cooperation of the Congress in this regard to refrain from adding funds to programs, desirable as they may be, to the budget. * * *

I point out that we have had deficit operations in 25 out of the last 31 years. I am definitely of the opinion that in the next fiscal year the deficit is likely to be $8 billion to $9 billion. Since 1941 the purchasing power of the dollar has fallen from $1 to 46 cents. Two years ago there was a run on our gold reserves. All these results were the product of irresponsible fiscal management.

The President has submitted to us a call for more money for the military. I respond favorably to that call. But I also respond to the proposal now made and say that we must desist from taking on new functions, and especially those that are unjustified.

The Senator from Illinois has pointed out that every department of our Government having a relationship to the bill is opposed to it. When we say that every department of government is opposed to the bill, we refer to spokesmen of the President of the United States. I make that statement emphatically with respect to the Treasury. The Secretary of the Treasury has nothing to do with the preservation in his Department of some function that is now being performed in connection with oceanography. He deals only with fiscal matters.

I invite the attention of Senators to what some of the agencies have said. I do so especially with regard to the Secretary of the Treasury. The Secretary of the Treasury is most emphatic that the bill is not needed. The Secretary of the Navy, who states that he took up the subject with the Department of Defense, has stated that the bill is not needed. But he has made the following very important observations:

> Those aspects of S. 901 which relate to the specific delineation of development items, shipbuilding tonnages, and money authorizations emphasize areas which will see many modifications over the years.

Yet the bill would make authorizations for a period of 10 years, and would authorize the purchase of 63 ships and, in an open-end authorization, 35 in number. I say that to ask for such a program is audacious.

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the Senator from Connecticut [Mr. BUSH].

Mr. BUSH. Mr. President, I wish to say in opposition to the bill that in view of the record of the hearings and the report of the committee, which show that no responsible agency of the U.S. Government on the executive side favors the enactment of the proposed legislation, that it is absolutely fantastic that the bill should be before the Senate today. I agree with the sentiments that have been expressed by the Senator from Ohio [Mr. LAUSCHE] and the Senator from Illinois [Mr. DIRKSEN]. If the bill should pass the Senate and the House, I very much fear that it would be signed by the President.

I recall that when the housing bill got through the conference of the House and the Senate, it returned to the Senate with an authorization for $1½ billion more than the amount the President had requested. Instead of vetoing the bill for that reason—which was a very good reason, among other things—the President said:

> It is the greatest bill we have ever had.

I do not want to run such a risk with this kind of bill which, as the Senator from Illinois has so ably pointed out, could result in another $1 billion proposal over a period of years.

I join with the two Senators who have spoken urging rejection of the measure.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. I thank the Senator from Illinois.

Mr. President, I wholeheartedly endorse the sentiments expressed by previous speakers. I intend to vote against the bill for those reasons.

I also point out that we are now being treated with a different approach to some of the nondefense spending measures. We are being told that those are inseparably connected with national defense matters.

There comes a time when we must draw a line. If we are building up our

conventional forces, I fail to see a direct connection between studying the floors of the ocean and the conventional deployment of troops in Western Europe.

Another point is that I believe the best way to stop nondefense spending is for the President himself to put a stop to it. It is very difficult for Members of Congress to be led when they are given broad generalities and guidelines, in the form of statements such as the Senator from Ohio quoted, "to practice fiscal responsibility," unless the President himself is willing to come to his leaders and say, "Stop the bill."

CENTENNIAL CONVENTION COMMEMORATING THE CREATION OF LAND-GRANT INSTITUTIONS

Mr. DIRKSEN. Mr. President, pending the arrival of the Senator from Kansas [Mr. SCHOEPPEL] from a committee meeting, since he desired to be heard, I yield myself 1 minute.

On July 2, 1862, Abraham Lincoln signed the act which created the land-grant colleges of the country. Today there are 68 such institutions in the 50 States and Puerto Rico.

Both the House of Representatives and the Senate of the Illinois General Assembly have by resolution noted the benefits of this act and have directed attention to the centennial convention which will be held in Kansas City, Mo., from November 12 to 15 to suitably commemorate the creation of these land-grant institutions.

I ask unanimous consent in connection with these remarks that Senate Resolution 47, adopted by the Senate of the State of Illinois, which is comparable with one adopted by the House of Representatives, be printed as a part of my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the 68 land-grant colleges and State universities in the 50 States and Puerto Rico will observe in the academic year 1961–62 the centennial of the signing of the Land-Grant Act by President Abraham Lincoln (July 2, 1862); and

Whereas Jonathan B. Turner, a prominent farmer of Jacksonville, Ill., and onetime professor at Illinois College, was a pioneer in the development of the concept and an influential leader in the movement which brought about passage by the Congress of the United States of the Land-Grant Act; and

Whereas the Land-Grant Act in the 100 years since its enactment has inspired and broadened the American tradition of educational opportunity and has enlarged the scope of higher education, in instruction, research, and in the extension of its services to the general public; and

Whereas the University of Illinois, which was established under the Land-Grant Act, has brought far-reaching benefits to the economy of the State of Illinois, to its civic and cultural growth, and to the well-being of its citizens: Therefore be it

Resolved by the senate of the 72d general assembly, That the State of Illinois hereby gives official notice to the land-grant centennial observance; that commendation is given to the University of Illinois, as the land-grant institution of the State of Illinois, for major contributions through teaching, research, and service since its opening on March 2, 1868; that the people of Illinois during the period of the centennial observance be urged to give special attention to the benefits to this State and Nation from all the institutions of higher learning and how those benefits may be conserved and enlarged in the period of unprecedented growth which lies ahead; and that copies of this preamble and resolution be forwarded by the secretary of state to the board of trustees of the University of Illinois with a request that a copy be forwarded to the American Association of Land-Grant Colleges and State universities for inclusion in the official proceedings of its centennial convention to be held in Kansas City, Mo., November 12 to 15, 1961.

MARINE SCIENCES AND RESEARCH ACT OF 1961

The Senate resumed the consideration of the bill (S. 901) to advance the marine sciences, to establish a comprehensive 10-year program of oceanographic research and surveys, to promote commerce and navigation, to secure the national defense, to expand ocean, coastal, and Great Lakes resources, to authorize the construction of research and survey ships and laboratory facilities, to expedite oceanographic instrumentation, to assure systematic studies of effects of radioactive materials in marine environments, to enhance the public health and general welfare, and for other purposes.

Mr. DIRKSEN. Mr. President, I yield my remaining time to the distinguished Senator from Kansas.

Mr. SCHOEPPEL. Mr. President, there can be no doubt about the importance of ocean research and the vital role which oceanography can play in the future with respect to our national security and our economic well-being.

Only 2 percent of the ocean floor has been mapped, despite the fact that oceans cover 70 percent of the earth's surface. Contrast that with the fact that we have photographed and mapped 60 percent of the surface of the moon. Truly, it can be said we know less about the depths of the ocean than we know about the moon. We have only begun to tap the tremendous resources of the oceans, resources which encompass all the identified natural elements, and even greater food supplies. Its importance to national defense grows more critical as our fleet of Polaris submarines becomes larger.

But the question before us now is not the importance of oceanography. The Senate has already recognized and accepted this crucial fact by adopting Senate Resolution 136 on July 15, 1959, under the able and pioneering leadership of the distinguished chairman of the Committee on Commerce, the Senator from Washington [Mr. MAGNUSON].

The question before us today relates only to the need for enactment of S. 901 and the merits of the bill itself.

The situation with respect to oceanography is considerably different today than it was even 1 year ago when the Senate considered the previous bill on this subject, S. 2692. The situation has been altered drastically and a whole new set of circumstances have come into play.

Let me outline these changed circumstances:

Until a year or two ago, oceanography was a relatively obscure scientific pursuit, followed by a few dedicated men in private institutions of this country and by a few persons in government. It didn't get the same glamorous publicity which marked the advance in modern physics, electronics, and space sciences.

But 2 years ago, the National Academy of Sciences and the National Research Council issued a comprehensive report on "Oceanography—1960–70." Leaders like Senator MAGNUSON and others began to arouse public interest in the subject and to demonstrate its vital importance to our Nation.

They achieved real results. As I noted, the Senate unanimously approved a resolution in 1959 commending the report on oceanography and concurring in its recommendations. Appropriations for ocean research were increased for several Federal agencies which have a key role in this field. The House Committee on Science and Astronautics issued a comprehensive report on "Ocean Sciences and National Security."

These efforts culminated on March 29, 1961 when President Kennedy transmitted a special message to Congress on this subject. His message laid down a comprehensive and carefully coordinated program for oceanography prepared by the White House under the direction of his special assistant for science and technology. His message pointed out that appropriations for this purpose increased from $46 million in fiscal year 1960 to $55 million in fiscal year 1961 and it recommended appropriations of more than $97 million in fiscal year 1962. The text of his message is on page 85 of the committee report on S. 901.

Bear in mind that these recommendations for increased appropriations have already been submitted to the Congress and some of them, in fact, have already been approved by the House and Senate in various appropriation bills.

Furthermore, and this is most important to the question before us today, the President did not suggest or recommend the enactment of any comprehensive new legislation is this field. His careful study of this subject, and that of his advisers, produced only the recommendation for a relatively minor change in the Coast Guard statutes which the Senate has already passed. He apparently found there was already adequate legislative authority for the kind of oceanography program the Nation needed. He did not recommend passage of the bill before us.

A year ago or 2 years ago new legislation probably could have been justified as a means of stimulating an adequate program of ocean research. For that reason I supported the resolution in 1959 and the bill which the Senate approved last year. But this is no longer necessary. The President's message, along with these other developments I have cited, has lifted oceanography from its obscurity and put it on the plane demanded by its importance.

The time for dramatic legislative action has passed. Oceanography research is already moving ahead at a rapid pace and this legislation will contribute little or nothing to that effort. Enactment of this bill would only confuse the situation by fouling up the lines of communication and coordination, and by imposing a damaging stiffness into a research program which must remain flexible if it is to be productive.

Bear in mind that this bill authorizes the appropriation of $500 million for 21 specific purposes. It authorizes, in addition, the construction of 61 new ships which will cost close to $300 million. Furthermore, the bill authorizes more than 30 other appropriations without any dollar limit whatsoever.

Let me point out, too, that none of the 5 Federal departments and none of the 14 Federal bureaus or agencies involved has recommended the enactment of this bill.

For these reasons I am opposed to the enactment of S. 901 and shall vote against it.

The PRESIDING OFFICER. All time for debate has expired. The bill is open to further amendment. If there be no further amendment to be proposed the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DIRKSEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the passage of S. 901. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DIRKSEN (after having voted in the negative). I promised the distinguished Senator from Oregon [Mr. MORSE], who is unavoidably absent, that if he could not be present to be recorded, I would arrange a pair with him. As the Senate knows, if I were free to vote, I would vote a loud and emphatic "nay." As it is, I shall honor the pair with the Senator from Oregon. If he were here, I feel certain he would vote "yea." So I must necessarily withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Oklahoma [Mr. KERR], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PELL], and the Senator from Massachusetts [Mr. SMITH], are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Oklahoma [Mr. KERR], the Senator from Maine [Mr. MUSKIE], and the Senator from Rhode Island [Mr. PELL] would each vote "yea."

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Indiana [Mr. CAPEHART]. If present and voting, the Senator from New Mexico would vote "yea," and the Senator from Indiana would vote "nay."

On this vote, the Senator from Minnesota [Mr. MCCARTHY] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Minnesota would vote "yea," and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Wyoming [Mr. MCGEE] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting, the Senator from Wyoming would vote "yea," and the Senator from Arizona would vote "nay."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is absent because of illness.

The Senator from Nebraska [Mr. HRUSKA] and the Senator from North Dakota [Mr. YOUNG] are absent on official business.

On this vote, the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from New Mexico [Mr. CHAVEZ]. If present and voting, the Senator from Indiana would vote "nay," and the Senator from New Mexico would vote "yea."

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Wyoming [Mr. MCGEE]. If present and voting, the Senator from Arizona would vote "nay," and the Senator from Wyoming would vote "yea."

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Minnesota [Mr. MCCARTHY]. If present and voting, the Senator from Nebraska would vote "nay," and the Senator from Minnesota would vote "yea."

The result was announced—yeas 50, nays 32, as follows:

[No. 109]

YEAS—50

Aiken	Hart	Moss
Anderson	Hayden	Neuberger
Bartlett	Hill	Pastore
Bible	Holland	Randolph
Byrd, W. Va.	Humphrey	Russell
Cannon	Jackson	Scott
Carroll	Johnston	Smathers
Case, N.J.	Jordan	Smith, Maine
Church	Kefauver	Sparkman
Dodd	Long, Hawaii	Stennis
Eastland	Long, La.	Symington
Ellender	Magnuson	Talmadge
Engle	Mansfield	Thurmond
Ervin	McClellan	Williams, N.J.
Fong	McNamara	Yarborough
Fulbright	Metcalf	Young, Ohio
Gore	Monroney	

NAYS—32

Allott	Boggs	Butler
Beall	Bridges	Byrd, Va.
Bennett	Bush	Carlson
Case, S. Dak.	Keating	Proxmire
Cotton	Kuchel	Robertson
Curtis	Lausche	Saltonstall
Douglas	Long, Mo.	Schoeppel
Dworshak	Miller	Tower
Hickenlooper	Morton	Wiley
Hickey	Mundt	Williams, Del.
Javits	Prouty	

NOT VOTING—18

Burdick	Goldwater	McGee
Capehart	Gruening	Morse
Chavez	Hartke	Muskie
Clark	Hruska	Pell
Cooper	Kerr	Smith, Mass.
Dirksen	McCarthy	Young, N. Dak.

So the bill (S. 901) was passed.

Mr. MAGNUSON. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I wish to address an inquiry to the distinguished majority leader. I am certain there will be some interest in the bills which are to be considered this afternoon. My understanding is that four bills reported by the Committee on the Judiciary will be called up, and that they are not too controversial.

I further understand that following the disposition of those bills, the Senate will proceed to consider two defense bills, and then the China resolution.

I simply wished to make certain that Senators would be advised as to how the program will proceed this afternoon.

Mr. MANSFIELD. The distinguished minority leader is correct in his understanding.

Mr. FULBRIGHT. Mr. President, may I ask the distinguished majority leader how long it is expected to have the Senate remain in session today?

Mr. MANSFIELD. Until we have completed action on these measures. Tomorrow, we shall take up two appropriation bills.

I understand there is a report to the effect that the distinguished Senator from Wisconsin [Mr. PROXMIRE] is responsible for the Saturday session. I wish to deny that report. It is not based upon fact. The session tomorrow is necessitated by circumstances which apply to the proposed legislation which the Senate will have before it. The distinguished Senator from Wisconsin [Mr. PROXMIRE] has been most cooperative and understanding at all times.

THE SILVER MARKET

Mr. CHURCH. Mr. President, among those who are not familiar with recent developments in the silver market, there may exist an impression that the activities of the Treasury in this market serve to subsidize the domestic producer of silver. This is not the case today. In fact, the activities of the Treasury in this market are today depressing the price which domestic producers can obtain.

Recently, I brought to the attention of the Senate the fact that continued sales by the Treasury of its "free" silver reserves would soon exhaust the supply

of silver to which it now turns to meet our needs for coinage. Yet the sales continue at bargain prices to a few large industrial users.

The Treasury maintains that its bargain sales do not depress the price which silver producers can obtain. But this is hard to believe, in view of the following acknowledged facts:

First. Silver is no longer being sold to the Treasury, because the Treasury price is pegged below the market price. The Treasury selling price, however, effectively establishes the level around which the market price hovers. The pressure of the free market on the silver price is upward—created by those silver users, foreign and domestic, who do not have access to the Treasury for their needs—but it is restrained from reaching the level to which it would naturally rise, by the Treasury policy of filling the gap by selling off accumulated "free" silver reserves. Were the Treasury to hold these reserves for coinage use, the market price would immediately go up, with consequent benefits to silver producers. But the Treasury policy of depressing the price of silver does not benefit the public purse, for hardly any silver has been tendered to the Treasury for the past 2 years. The bargain sales benefit only a few corporate silver users.

Second. Domestic silver is being exported in vastly increased amounts because the price in foreign markets—which is established by supply and demand—is above the pegged Treasury price. The Treasury fills the gap between the greater demand and the lesser supply in the industrial market by selling from accumulated reserves. It thus drags down the world price from the level which it would naturally assume to a level just above the price at which the Treasury sells to the few large corporate silver users who, in effect, are today being subsidized at public expense.

Therefore, the Treasury policy of selling our public "free" silver reserves to industrial users does have the effect of depressing the price which producers can obtain. During my recent visit to Idaho, I was again impressed with the gravity of the problem which is posed by the depressed condition of our domestic metals industry; and I must emphatically reiterate my request to the Secretary of the Treasury that he put an end to the bargain sales of our dwindling supply of "free" silver—sales which are adversely affecting both the public purse and the domestic silver producers.

I desire to emphasize that the state of affairs which I have described is quite generally recognized in both mining and financial circles, as evidenced by an editorial which appeared recently in the eminent financial weekly, Barron's. It is an impartial witness to the error of present Treasury policy, and I ask unanimous consent to have it printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. HICKEY in the chair). Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IRONY IN SILVER: THE MARKET IS SUCCEEDING WHERE THE GOVERNMENT FAILED

Silver, as a vice president of the American Smelting & Refining Co. once observed, has suffered for years from an exceptionally bad press. During the heyday of William Jennings Bryan—"mankind shall not be crucified upon a cross of gold"—it became not only the standard of bimetallism but also the symbol of demagoguery and debasement of the currency. Several decades later, the spiritual heirs of the Populist movement tarnished its luster further by making it the object of an unabashed, and perennially criticized, subsidy to western mining interests. Even as recently as last week, silver was getting its lumps: until the story was denied by authoritative sources, the trade was abuzz with rumors that millions of ounces of Treasury metal held by the Atomic Energy Commission had been tainted by radiation.

Despite its horde of detractors, however, silver these days has begun to enjoy a growing measure of esteem in at least one realm, the financial community. On Wall Street, for perhaps the first time in a generation, the metal lately has acquired a devoted speculative following. Its newly minted allure lies in the fact that in recent years—and notably in the past 12 months or so—demand has far outstripped production. As a result, the once huge stocks of "free" (i.e., nonmonetized) silver in the hands of the U.S. Treasury are dwindling fast, a state of affairs which, in the view of many traders, sooner or later must lead to a higher price. Whether they will prove to be right, and when, remains to be seen. What is abundantly clear is that official policies based on expectations of perpetual surplus are ill-designed to deal with an emerging scarcity. It is also worth noting that what Government fiat failed to achieve, the subtle alchemy of the marketplace now ironically promises to perform. Silver at long last is being transmuted into a commodity that is both respectable and valuable.

A few facts and figures point up the trend. Under legislation dating back to 1934 (as amended in 1946), the Treasury stands ready to acquire newly mined domestic silver for 90¼ cents an ounce, and to sell to legitimate consumers (silversmiths, jewelers, and various industrial users) for approved purposes at a slightly higher price. In addition, it may strike silver coins and issue silver certificates (or greenbacks) at the rate of $1.29 per ounce held. At the end of World War II, the Treasury store of "free" silver stood at nearly 1 billion ounces. Since then, however, the figure steadily has dwindled, and, in the past 18 months or so, the rate of decline has picked up speed. Thus, in the 12 months ended December 31, 1960, total holdings dropped from 175 million ounces to less than 125 million. In the first 6 months of 1961, another 44 million ounces were lost. At this rate, by next winter, the Treasury's cupboard will be bare.

What has happened, simply, is that under the artificial conditions which have prevailed, the supply of newly mined metal for a long time has failed to keep pace with demand. During the decade of the fifties, for example, against an annual consumption of nearly 260 million ounces, the free world (primarily the United States, Canada, and Mexico) produced little more than 200 million per year. In the past year or two, the shortfall has widened greatly. The gap, of course, has been bridged by secondary sources, notably the U.S. Treasury. However, in today's heated market for silver, this once-ponderable reserve swiftly is melting away.

For in its two major applications, as an industrial raw material and in coinage, the ancient precious metal is enjoying a startling resurgence in popularity. On the latter count, the rapid spread of vending machines, which are great gulpers of nickels and dimes, has spurred the demand for newly minted coins in this country. In other parts of the world—Japan, Italy, and France—there has been a welcome trend of late toward substituting money that is literally as well as figuratively hard for the inflation-riddled paper of the past. In industry, furthermore, the uses of silver (which, in the words of an admirer, yields only to gold in being malleable and ductile, and boasts the highest electrical and thermal conductivity and the brightest color of any metal) have been growing apace. Besides brazing and soldering, electric wiring and photography, its traditional spheres, the versatile metal has carved out a growing niche in chemicals, electronics, and batteries (where silver-zinc and silver-cadmium cells, used extensively in missiles and rockets, are the hottest thing in years).

Technologically speaking, silver thus has been launched into the space age. Politically, however, it remains mired in a rut of outworn shibboleth and bureaucratic inertia. Specifically, although the impending shortage has been looming for many months (Barron's, Feb. 29, 1960), the Treasury has made no effort either to curtail its bargain sales to industry or to raise the price of its dwindling stocks. To be sure, such a move would penalize users, who, in years gone by, were compelled to pay a premium and now feel entitled to a discount. It also would reward the speculators. At the same time, however, the Treasury in this fashion would reap increased revenue and ease the shift from dwindling surplus to impending shortage. Most important of all, it thereby would proclaim that the legislation now on the books is as out of date as the old warcry of 16 to 1. Today silver needs no Government assistance, standby, or otherwise, but the chance to take its rightful place in the competitive market.

One way or another, a new era apparently is dawning for silver. While the change will have a direct effect, either for good or ill, upon relatively few, its significance is truly far reaching. For it underscores the vast changes, technological and economic, which can sweep over an industry or a commodity in the span of a generation. And it surely casts doubt on the wisdom and ability of Government, which has never been famous for its foresight or agility, to cope with such shifts. Silver has always been a valuable commodity. Today, however, for perhaps the first time in its checkered history, it promises to become a valuable symbol as well.

THE MISSILE SITES LABOR COMMISSION

Mr. McCLELLAN. Mr. President, during April and May of this year the Senate Permanent Subcommittee on Investigations made inquiry into, and conducted a series of public hearings on, strikes, work stoppages, featherbedding, and other inefficient and uneconomical practices and abuses at Cape Canaveral, Vandenberg, and other missile bases and defense establishments. The revelations made in those areas were astounding, and were so reprehensible that the President of the United States felt compelled to take immediate executive action in an effort to correct the unsavory conditions

which prevailed in some of those installations. Accordingly, on May 26, 1961, he issued an executive order establishing a Missile Sites Labor Commission, for the purpose of bringing an end to the harmful work stoppages in these vital areas of defense, and to assure thereafter uninterrupted and economical operation of these programs.

The Missile Sites Labor Commission is composed of representatives of business, labor, and management, as designated by the President, with the Honorable Arthur Goldberg, Secretary of Labor, serving as Chairman. To date, the Commission has established labor relations committees on 21 missile sites, the objectives of which are to anticipate labor problems and to take preventive action in advance.

The Commission is also engaged in studies of uneconomical practices at these missile sites.

Mr. President, the Secretary of Labor has forwarded to me a copy of his letter to the President, dated July 15, 1961, outlining the accomplishments of the Commission during its existence of less than 2 months. I ask unanimous consent that the letter be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
Washington, July 17, 1961.

The Honorable JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: I am enclosing a copy of my report to the President concerning the operations of the Missile Sites Labor Commission.

I shall be glad to discuss this report with you at your convenience.

Cordially,

ARTHUR J. GOLDBERG,
Secretary of Labor.

JULY 15, 1961.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is to report to you on the work so far of the Missile Sites Labor Commission which you established on May 26, 1961.

Perhaps the best measure of the effectiveness of the work of this Commission and of the cooperation given it by both labor and management, who pledged no strikes and no lockouts on missile and space sites, is the record of man days lost because of labor disputes since the Commission was established.

During 1960 a total of 86,000 man-days of work were lost because of strikes on missile and space sites. This averages out to over 7,000 man-days lost a month during 1960. In June of 1960 there were 26,217 man-days of work lost due to work stoppages. This was the greatest monthly total in 1960, due primarily to the fact that June is the contract renegotiation month.

In June of 1961 contracts were again renegotiated, but only 312 man-days of work were lost due to work stoppages. This is slightly more than 1 percent of the work time lost during June of last year.

I think that this record is concrete testimony of the desire of labor and management to cooperate in making sure that work on our missile and space programs goes forward uninterrupted. It is also evidence I believe of the effectiveness of the procedures established by the Missile Sites Labor Commission to handle labor disputes.

Missile site labor relations committees have been established on 21 missile sites over which the Commission has jurisdiction. The job of these committees is to anticipate labor problems and to take preventive action.

They are composed of representatives of contracting agencies, building trades unions, building trades contractors, industrial unions, missile manufacturers, and a mediator assigned by the Federal Mediation and Conciliation Service who acts as coordinator of the site committee.

Local site committees have dealt with a large number of labor problems including those of work jurisdiction and assignment, grievances, nonunion employees, and alleged uneconomic work practices. While these problems have not always been susceptible to solution at the local site level, the local parties have been outstandingly successful in preventing work stoppages while solutions to the problems are being considered, either locally or at the Missile Sites Labor Commission level. The international unions have been extremely cooperative.

The Commission itself is also engaged in continuing studies on uneconomic practices, and has scheduled hearings for July 24–25 on such alleged practices at Topeka Air Force Base and Vandenberg Air Force Base referred to it by the Department of Defense.

It has conducted hearings and will shortly render a decision on a difficult jurisdictional dispute matter between the International Brotherhood of Electrical Workers and the International Union of Operating Engineers, involving cable laying at missile bases.

The Commission has also established subcommittee to study and deal with matters concerning manpower shortages at missile sites and has received assurances of cooperation from labor and contractor interests.

It has successfully worked with the National Labor Relations Board in a dispute at Cape Canaveral in an injunction proceeding to avoid a walkout at the base.

At present the Commission is preparing criteria from which the agencies may make determinations of economical cost in the construction and operation of the bases.

On July 31 and August 1 the other Commission members and I will visit several of the missile bases to observe at first hand the operation of the local committees and the problems inherent in this program.

I will report to you again following this trip.

Respectfully yours,

ARTHUR J. GOLDBERG,
Secretary of Labor,
Chairman, Missile Sites Labor Commission.

Mr. MCCLELLAN. Mr. President, at this time, however, I should like to read two particularly enlightening paragraphs of the letter, as follows:

During 1960 a total of 86,000 man-days of work were lost because of strikes on missile and space sites. This averages out to over 7,000 man-days lost a month during 1960. In June of 1960 there were 26,217 man-days of work lost due to work stoppages. This was the greatest monthly total in 1960, due primarily to the fact that June is the contract renegotiation month.

In June of 1961 contracts were again renegotiated, but only 312 man-days of work were lost due to work stoppages. This is slightly more than 1 percent of the work time lost during June of last year.

Mr. President, I want to commend President Kennedy and Secretary of Labor Goldberg for the excellent accomplishments of the Commission thus far, and express the hope that the work of the Commission will continue to be effective. I should also like to express my appreciation not only to him and to the members of the Commission, but also to both labor and management, for the cooperation they are extending to the Commission, thus making it possible for our missile and space programs to proceed without any unnecessary obstruction.

I ask unanimous consent that there also be printed at this point in the RECORD, and as a part of my remarks, a newspaper article which appeared in the New York Herald Tribune on Thursday, July 20, 1961, bearing the byline of Stuart H. Loory, and entitled "No Strikes on Missiles Since MCCLELLAN's Probe."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO STRIKES ON MISSILES SINCE MCCLELLAN'S PROBE

(By Stuart H. Loory)

CAPE CANAVERAL, FLA., July 18.—Work on this country's space and missile programs has proceeded without a strike, lockout, or other serious stoppage since the hearings of Senator JOHN L. MCCLELLAN's Permanent Investigation Subcommittee adjourned in May, a Federal Mediation and Conciliation Service official said here Tuesday.

At Cape Canaveral the 30 unions representing almost 8,000 organized workers are expected to bind themselves with a no strike, no work stoppage pledge within a few days, according to William J. Usery, Jr., representative of the International Machinists Union, AFL–CIO, and representative of the industrial unions here on the Atlantic missile site labor relations committee.

Mr. Usery told a press conference he had personally called more than half of the unions so far and that all had agreed to the pledge.

The pledge came in response to President Kennedy's Executive order of May establishing a National Missile Sites Labor Commission to do what it can to abolish work stoppages and labor-management unrest at the Nation's missile and rocket bases.

WEEKLY MEETINGS

The local committee, composed of seven men representing the Air Force, National Aeronautics and Space Administration, government contractors, and unions, is headed by George Bennett, of the Federal Mediation and Conciliation Service. Established July 5, it has been holding weekly meetings to head off disputes before they arise.

Tuesday the local committee met the press and reported that labor relations had taken a turn for the better since the President's executive order and the revelations of the McClellan committee.

Maj. Gen. Leighton I. Davis, Air Force missile test center commander, said the revelations of the Senate committee concerning work stoppages, uneconomical operations and featherbedding by both labor and management were facts with which he could not argue. He commands 22,000 workers, including military and civilian personnel.

However, Paul Styles, a labor expert for NASA, said the workers here and at other missile bases should not be blamed for their conduct.

"They just didn't realize how important our missile and space program was," he said. "They didn't realize we are in a race for the preservation of our American way of life.

These aren't a bunch of disloyal American citizens; they are just a bunch of people who didn't know what the score was."

As a result of the Presidential Executive order, he said, they had learned the score.

Mr. McCLELLAN. As revealed by this article, work on the space and missile programs has proceeded without a strike, lockout, or other serious stoppage since hearings before the Senate Permanent Subcommittee on Investigations, according to an official of the Federal Mediation and Conciliation Service.

The article quotes Maj. Gen. Leighton I. Davis, Air Force commander of the Missile Test Center at Cape Canaveral, as stating that the revelations of the Senate subcommittee concerning stoppages, uneconomical operations, and featherbedding by both labor and management were facts with which he could not argue.

As you know, Mr. President, the hearings before the Investigations Subcommittee revealed that during a period of some 4½ years more than 162,000 mandays of labor were lost due to some 327 or more work stoppages at intercontinental ballistic missile sites. In addition, there was evidence of slowdowns, featherbedding, and other abuses contributing to needless additional costs.

As I had indicated during the course of the subcommittee hearings, it was inconceivable that any responsible segment of labor, Government, or management would permit this situation to continue uncorrected.

I am sure that, were it not for the disclosures made by the subcommittee, this situation would not have been brought to the attention of the President of the United States or the American public. Therefore, I think we can safely conclude that, except for the work of the Permanent Subcommittee on Investigations, except for the fact that it brought about the disclosure of conditions that prevailed at missile sites, corrective action taken by the President, the Secretary of Labor, and the Commission appointed by the President, such as I have referred to, would not have been taken.

So, Mr. President, to those who objected to the subcommittee's conducting this investigation, and to those who have criticized the subcommittee for making the investigation of improper labor practices in connection with our space and missile programs, I make response by simply letting the record speak in refutation of both the objections made and the criticisms offered.

COMPELLING OF TESTIMONY AND GRANTING OF IMMUNITY FROM PROSECUTION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 559, S. 1655.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1655) to amend chapter 95 of title 18, United States Code, to permit the compelling of testimony under certain conditions and the granting of immunity from prosecution in connection therewith.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That subsection (c) of section 3486 of title 18, United States Code, is amended by inserting after the words "Immigration and Nationality Act (66 Stat. 182–186; 204–206; 240–241)" the following: "or violations of section 1951 of this title; or violations of section 302 of the Act of June 23, 1947 (61 Stat. 157; 29 U.S.C. 186)".

Mr. EASTLAND. Mr. President, Senate bill 1655 was reported unanimously by the Judiciary Committee.

The bill provides for permitting the compelling of testimony and the granting of immunity to investigations of violations of the Hobbs Act and the Taft-Hartley Act. Frequently it is impossible to obtain testimony in extortion cases and bribery cases that occur under those acts. When the U.S. Attorney General and the district attorneys think it is in the public interest to compel testimony, they now have the power to compel it. There is also the power to grant immunity in a number of other fields.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KEATING. Mr. President, when Congress passed the immunity statute for national security cases, there was a good deal of discussion. There was some opposition to the granting of immunity in any cases. There were those who, on the other hand, felt that certain serious crimes, such as kidnaping, should be covered by the immunity statute which passed several years ago.

The bill as amended would add to the existing immunity statute violations of provisions of the Hobbs Act and the Taft-Hartley Act. I can well understand the importance of this weapon in labor racketeering cases, and I recognize that the distinguished Senator from Arkansas has been very much interested in this field. I understand that frequently there are cases where the only witnesses available in such labor racketeering cases are persons who themselves would be liable to prosecution. For instance, the employer in a labor extortion case might be reluctant to testify in a Hobbs Act case because of the fear of self-incrimination under the Taft-Hartley Act.

In a way, these two acts move in somewhat different directions. Unless the Attorney General could compel the testimony of the employer in such a case, there would be difficulty bringing anyone to justice in such situations.

The same would be true where the Attorney General deemed it wise to grant immunity to a labor union official or someone on that side in order to get at the employer who was considered to be the more guilty of the two.

But, in my opinion, there is no logical reason for limiting the use of the immunity principle to this particular type of offense, or indeed to specific categories of offenses. The same conditions of complicity between potential witnesses and defendants may exist in gambling cases and other bribery cases, for instance. The same could be true with regard to bribery of a public official as is true of cases involving money passing between an employer and an employee, or vice versa.

The labor racketeering statutes are certainly not the only ones where such immunity should be considered. The privilege of granting immunity, which should be sparingly used, is a law enforcement weapon which, under proper safeguards and proper use by the Attorney General, should be available for use in all serious prosecutions in which it is essential for the conviction of the real culprits.

The immunity statute which was passed some years ago was based on a bill which I had introduced, so I have considerable interest in this subject. That bill required that the Attorney General himself must pass on the granting of immunity, not a U.S. attorney in the field, but the Attorney General himself. This provision is carried over, very wisely in my judgment, in this amendment which we are seeking to enact into law.

The present immunity statute has been sustained by the Supreme Court. There is nothing new or unusual in the concept contained in this bill. It is reflected in a host of other Federal statutes and in many State statutes. A majority of the Supreme Court has repeatedly held that the fifth amendment is designed to protect against self-incrimination, and not to operate as a bar against obtaining information. We are not undermining in any way the purpose of the fifth amendment by exchanging immunity from prosecution for valuable evidence against the ringleaders of a particular criminal enterprise. The Department of Justice has for many years requested a general immunity statute in the belief that such a statute would be an excellent prosecutive weapon, and would not violate any constitutional rights.

Congress, however, has been very timid in giving the Department the legal tools it needs to wage a totally effective war against organized crime, and it has refused in the past to extend the immunity principle except on a case-by-case basis. That is the basis given—and perhaps it is wise, for the selective grant of immunity requested by the Department in the pending bill. I recognize at least that it has validity based on the past record of Congress. At the same time, I believe that there is more awareness than ever of the absolute necessity for improving our anticrime arsenal of weapons and that perhaps the Department should have tried harder to convince Congress this year that a general immunity statute was sound and should be enacted.

I am sure the Department could have had a broader statute, if it had urged one.

I support the pending bill, however, as the best we can hope to pass as a practical matter under the present circumstances. There is no record of abuse under any of the almost 40 Federal immunity statutes now on the books.

Sometimes it is forgotten that the bill granting immunity in national security cases was a separate bill to amend title 18 of the United States Code, whereas there are, in many other parts of various pieces of legislation, including the Sherman Antitrust Act, provisions for the granting of immunity under similar circumstances. The possibilities of abuse are present in all law-enforcement activities and legislation, but it is the criminals who are endangering the freedom and security of society, and not the policemen.

I am confident that this bill will be helpful in the limited area to which it applies and I hope it will serve as a strong precedent for a more general enactment on this subject in the future, or at least for extending it to some of the serious crimes, like kidnaping, murder, and some other very serious offenses, as to which this prosecutive weapon is now absent.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. EASTLAND. Mr. President, I ask unanimous consent, for legislative history, to have printed in the RECORD a statement as to the meaning of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON MEANING OF S. 1655, TO PERMIT THE COMPELLING OF TESTIMONY AND THE GRANTING OF IMMUNITY IN CERTAIN INSTANCES

The Attorney General has advised the Congress that in labor racketeering cases there is an urgent need for legislation to permit the compelling of testimony before grand juries and courts in Hobbs Act and certain Taft-Hartley Act cases.

The Hobbs Act, section 1951 of title 18, United States Code, makes it a felony punishable by a maximum fine of $10,000 and up to 20 years' imprisonment, or both, to interfere with commerce by robbery or extortion as defined in the act. Section 302 of the Taft-Hartley Act makes it unlawful for an employer in an industry affecting commerce to pay money or make gifts to representatives of any of his employees under circumstances that would constitute such action a bribe. A fine of up to $10,000 and imprisonment for 1 year may be imposed upon violators. The close connection between the two offenses proscribed in these acts often inhibits cooperation with law-enforcement officers. For example, an employer who is a victim of labor extortion may be reluctant to testify in a Hobbs Act case for fear of incriminating himself under section 302 of the Taft-Hartley Act.

This bill will amend the statute in the Criminal Code which establishes the procedure for effecting a grant of immunity from prosecution in exchange for testimony in certain security-type offenses so as to establish a similar procedure in the Hobbs Act and Taft-Hartley Act cases.

As amended, and as it would relate to the acts I am discussing, whenever in the judgment of a U.S. attorney the testimony of a witness, or the production of documents, in any case or proceeding before a grand jury or court of the United States involving the Hobbs Act or section 302 of Taft-Hartley is necessary to the public interest, he, upon the approval of the Attorney General, may apply for an order compelling the witness to testify or produce the required documents. If the witness is so ordered, he may not be prosecuted for or on account of any transaction, matter, or thing, concerning which he was compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence. He may, however, be prosecuted for contempt or perjury committed while so testifying.

This type of legislation is not uncommon. The many such statutes which are on the books have been found to be of tremendous assistance in bringing about the true administration of justice.

In support of this proposal, the Attorney General advised the committee that in Hobbs Act violations, the Department often runs into situations where the person active in the extortion is merely an agent for a labor racketeer. He is the pipline through which the money extorted goes from the employer to the hoodlum. Under present law, there is no means of compelling the agent's cooperation in the efforts of law enforcement officials to get at the men for whom he is working. As proposed, the bill will supply an effective tool toward that end.

Often, the man who falls into the hands of the law enforcement officer is a flunky for the higher echelons in the syndicate for which he is working. To imprison him would serve no useful purpose—certainly not so useful a purpose as would be served by the imprisonment of the persons for whom he is working. This measure should be a most potent weapon in our all-out fight against those who prey upon the business community.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1655) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 3486 of title 18, United States Code, is amended by inserting after the words "Immigration and Nationality Act (66 Stat. 182–186; 204–206; 240–241)" the following: "or violations of section 1951 of this title; or violations of section 302 of the Act of June 23, 1947 (61 Stat. 157; 29 U.S.C. 186)".

The title was amended, so as to read: "A bill to amend chapter 223 of title 18, United States Code, to permit the compelling of testimony under certain conditions and the granting of immunity in connection therewith."

TRANSMISSION OF BETS, WAGERS, AND RELATED INFORMATION

Mr. EASTLAND. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 560, S. 1656.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1656) to amend chapter 50 of title 18, United States Code, with respect to the transmission of bets, wagers, and related information.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 1656) to amend chapter 50 of title 18, United States Code, with respect to the transmission of bets, wagers, and related information, which had been reported from the Committee on the Judiciary, with amendments.

Mr. EASTLAND. Mr. President, the bill prohibits the use of wire communications facilities for the transmission of gambling information in interstate and foreign commerce. The committee heard testimony that there are 70,000 people in this country engaged in illegal gambling activities. Racketeers and gangsters have built their business about it. It involves an income of $7 billion a year.

The bill will give the U.S. Government a tool with which to help the States in enforcing their statutes against gambling.

The PRESIDING OFFICER. The first committee amendment will be stated.

The LEGISLATIVE CLERK. On page 1, line 7, after the word "forwarding" it is proposed to strike out "and" and insert "or".

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The LEGISLATIVE CLERK. On page 2, line 4, after "(a)" it is proposed to strike out "Whoever leases, furnishes, or maintains any wire communication facility with intent that it be used for the transmission in interstate or foreign commerce of bets or wagers, or information assisting in the placing of bets or wagers on any sporting event or contest, or knowingly uses such facility for any such transmission," and insert "Whoever being engaged in the business of betting or wagering knowingly uses a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers or information assisting in the placing of bets or wagers on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers,".

The amendment was agreed to.

Mr. EASTLAND. Mr. President, I send to the desk two amendments on behalf of the Committee on the Judiciary and move that the first of the amendments be agreed to.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 2, line 22, it is proposed to strike the period and insert in lieu thereof a comma and add the following: "or for the trans-

mission of information assisting in the placing of bets or wagers on a sporting event or contest from a State where betting on that sporting event or contest is legal into a State in which such betting is illegal."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KEATING. Mr. President, would the clerk please state the amendment again?

The PRESIDING OFFICER. The amendment will be stated again for the information of the Senate.

The LEGISLATIVE CLERK. On page 2, line 22, it is proposed to strike the period and insert in lieu thereof a comma and add the following: "or for the transmission of information assisting in the placing of bets or wagers on a sporting event or contest from a State where betting on that sporting event or contest is legal into a State in which such betting is illegal."

Mr. KEATING. Mr. President, I think that is a mistake.

Mr. EASTLAND. It should be "legal."

The LEGISLATIVE CLERK. The amendment says "legal."

Mr. EASTLAND. Mr. President, I modify the amendment.

Mr. KEATING. Mr. President, the last word should be changed from "illegal" to "legal."

Mr. EASTLAND. The last word of the amendment should be "legal," instead of "illegal."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. EASTLAND. The word used before should also be "legal."

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. EASTLAND. Mr. President, I am informed that the clerk misread the words "or for the transmission of information assisting in the placing of bets or wagers on a sporting event or contest from a State where betting on that sporting event or contest is legal into a State in which such betting is legal."

The PRESIDING OFFICER. The word is "legal" in both instances.

Mr. KEATING. Anyway, Mr. President, that is what we mean. We are not condoning illegality.

The PRESIDING OFFICER. The next committee amendment will be stated.

The LEGISLATIVE CLERK. At the top of page 3, it is proposed to insert:

(d) When any common carrier, subject to the jurisdiction of the Federal Communications Commission, is notified in writing by a Federal, State, or local law enforcement agency, acting within its jurisdiction, that any facility furnished by it is being used or will be used for the purpose of transmitting or receiving gambling information in interstate or foreign commerce, it shall discontinue or refuse the leasing, furnishing, or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty, or forfeiture, civil or criminal, shall be found against any common carrier for any act done in compliance with any notice received from a law enforcement agency. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a Federal court or in a State or local tribunal or agency, that such facility should not be discontinued or removed, or should be restored.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. EASTLAND. I offer an amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 7 of the committee amendment, after the word "commerce", strike the comma and insert the words "in violation of Federal, State or local law,".

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. EASTLAND. Mr. President, I ask unanimous consent to have printed in the RECORD a statement explaining the meaning of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATION OF S. 1656, PROHIBITING TRANSMISSION OF BETS BY WIRE COMMUNICATIONS

S. 1656 is designed to prohibit the use of wire communication facilities for the transmission of gambling information in interstate and foreign commerce, and thus assist the States in enforcement of their laws against gambling and bookmaking.

The Committee on the Judiciary received testimony that gambling in the U.S. involves about 70,000 persons and a gross volume of $7 billion annually. Information essential to gambling must be readily and quickly available. Illegal bookmaking depends upon races at about 20 major racetracks throughout the country, only a few of which are in operation at any one time. Since the bookmaker needs many bets in order to operate a successful book, he needs replays, including money on each race. Bettors will bet on successive races only if they know quickly the results of the prior race and the bookmaker cannot accept bets without the knowledge of the results of each race. Thus, information so quickly received as to be almost simultaneous, prior to, during, and immediately after each race with regard to starting horses, scratches of entries, probable winners, betting odds, results and the prices paid, is essential to both the illegal bookmaker and his customers.

So far, I have been discussing incoming information. The bookmaker must also have rapid outgoing information and the telephone is just such a means of rapid communication. He telephones other bookmakers in order to balance his book and protect against a heavy loss when the betting is concentrated on one entry. This is known as layoff betting.

S. 1656 has been amended by your committee, in two major respects. As originally recommended to the Congress, a common carrier would be subject to the sanctions of the bill if it leased, furnished, or maintained a wire communication facility with intent that it be used for the transmission of bets or wagers or information assisting in the placing of bets or wagers on any sporting event or contest. Your committee has limited the bill to those in the business of betting who use the wire communication facility—in other words—the professional gambler.

Your committee has added a new subsection which will require the common carrier to refuse or discontinue service if it is notified by a law enforcement official, in writing, that the facility is or will be used for transmitting or receiving gambling information. If the common carrier does refuse or discontinue service pursuant to this subsection, it will not be penalized for so acting. Furthermore, the rights of the individual affected to secure an appropriate legal determination as to his right to the facility is not affected.

The bill does not cover radio and television because the sanction of license revocation by the FCC is a sufficient deterrent to prevent the use of these facilities for dissemination of gambling information.

The bill exempts the transmission of information for use in news reporting of sporting events or contests. Thus, the reporter who uses a telephone to advise his newspaper or radio station of the results of a sporting event does not come within the provisions of this bill.

S. 1656 will assist the States in enforcement of their gambling laws. It will also help suppress organized gambling.

The Committee on the Judiciary recommends favorable action by the Senate.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

Mr. KEATING. Mr. President, did the clerk state the committee amendment on page 3?

The PRESIDING OFFICER. The amendment, as amended, was agreed to.

Mr. KEATING. Mr. President, I favor the bill as amended. Essentially the bill reported by the committee is a marriage of two pending bills, S. 1658 and S. 528. The original language of S. 1658 imposed a very onerous obligation on common carriers wholly inconsistent with the exemption given other common carriers in the provisions of S. 1657 relating to the transportation of gambling paraphernalia. In its original form, S. 1658 would have subjected the telephone companies to prosecution even though they had no actual knowledge of the criminal purpose to which their lines were being placed. The telephone under the amended language will be required to cooperate with government agencies, but criminals, not innocent phone company employees, will now be the objects of prosecution. This is certainly a more sensible proposal than that originally submitted and it has my support.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section

1081 of title 18 of the United States Code is amended by adding the following paragraph:

"The term 'wire communication facility' means any and all instrumentalities, personnel, and services (among other things, the receipt, forwarding, or delivery of communications) used or useful in the transmission of writing, signs, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission."

SEC. 2. Chapter 50 of such title is amended by adding thereto a new section 1084 as follows:

"§ 1084. Transmission of wagering information; penalties

"(a) Whoever being engaged in the business of betting or wagering knowingly uses a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers or information assisting in the placing of bets or wagers on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

"(b) Nothing in this section shall be construed to prevent the transmission in interstate or foreign commerce of information for use in news reporting of sporting events or contests, or for the transmission of information assisting in the placing of bets or wagers on a sporting event or contest from a State where betting on that sporting event or contest is legal into a State in which such betting is legal.

"(c) Nothing contained in this section shall create immunity from criminal prosecution under any laws of any State, territory, possession, or the District of Columbia."

"(d) When any common carrier, subject to the jurisdiction of the Federal Communications Commission, is notified in writing by a Federal, State, or local law enforcement agency, acting within its jurisdiction, that any facility furnished by it is being used or will be used for the purpose of transmitting or receiving gambling information in interstate or foreign commerce in violation of Federal, State or local law, it shall discontinue or refuse, the leasing, furnishing, or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any common carrier for any act done in compliance with any notice received from a law enforcement agency. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a Federal court or in a State or local tribunal or agency, that such facility should not be discontinued or removed, or should be restored."

SEC. 3. The analysis preceding section 1081 of such title is amended by adding the following item:

"Sec. 1084. Transmission of wagering information; penalties."

INTERSTATE TRANSPORTATION OF WAGERING PARAPHERNALIA

Mr. EASTLAND. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 561, Senate bill 1657.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1657) to provide means for the Federal Government to combat interstate crime and to assist the States in the enforcement of their criminal laws by prohibiting the interstate transportation of wagering paraphernalia.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments.

The PRESIDING OFFICER. The clerk will state the first amendment of the Committee on the Judiciary.

The LEGISLATIVE CLERK. On page 1, at the beginning of line 7, it is proposed to insert "(a)"; on page 2, line 6, after the word "or", to strike out "both." " and insert "both."; after line 6, to insert:

"(b) This section shall not apply to (1) parimutuel betting equipment, parimutuel tickets where legally acquired, or parimutuel materials used or designed for use at racetracks or other sporting events in connection with which betting is legal under applicable State law, or (2) the carriage or transportation in interstate or foreign commerce of any newspaper or similar publication."

and by adding the following item to the analysis of the chapter:

"Sec. 1952. Interstate transportation of wagering paraphernalia."

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary I offer an amendment to the Committee amendments.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 11, after "(2)", it is proposed to insert the following words: "The transportation of betting materials to be used in the placing of bets or wagers on a sporting event into a State in which such betting is legal under the statutes of that State, or (3)".

The PRESIDING OFFICER. The question is on agreeing to the amendment offered on behalf of the Committee on the Judiciary by the Senator from Mississippi.

The amendment to the amendment was agreed to.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The next amendment of the Committee on the Judiciary will be stated.

The LEGISLATIVE CLERK. After line 15, it is proposed to insert a new section, as follows:

SEC. 2. Section 1302 of title 18, United States Code, is amended by deleting the dash at the end of the fifth paragraph and inserting in lieu thereof a semicolon and adding a new sixth paragraph as follows:

"Any article described in section 1952 of this title—".

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KEATING. Mr. President, the press will be interested in knowing that under the amendment which has been offered by the committee, anyone who carries a New York Times or Washington Post or any other newspaper under his arm will not be liable to prosecution as he might have been under the bill as originally introduced.

As originally worded the bill could have been construed to prohibit the interstate transportation of any newspaper which contained information useful in the numbers game. The amendment which I proposed in committee expressly excludes "newspapers and similar publications." This makes it absolutely certain that the bill will not infringe in any manner on the freedom of the press guaranteed by the first amendment. I support the bill as amended and it should be approved.

Mr. EASTLAND. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an explanation of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATION OF S. 1657, PROHIBITING THE INTERSTATE TRANSPORTATION OF WAGERING PARAPHERNALIA

As you know, we now have in our Federal Criminal Code a chapter 61 entitled "Lotteries." The chapter prohibits the transportation in interstate or foreign commerce, or the mailing, of lottery tickets. However, because of judicial construction, these statutes do not cover much of the paraphernalia which the gambling fraternity must ship or mail across State lines. For example, in the leading case of *France* v. *U.S.* (164 U.S. 676), the Supreme Court held in 1897 that the statute applied only to lottery paraphernalia representing chances on an existing lottery, not one already completed. In 1903, in *Francis* v. *U.S.* (188 U.S. 375), the Supreme Court further limited the application of the statute by holding that the duplicate slip retained by the agent of a numbers lottery was not covered. The Attorney General, in his testimony before the Judiciary Committee stated that the use of the mails in advertising and conducting a bookmaking business did not violate the present lottery statute because the selection of winners may require some skill or knowledge rather than mere chance. He cited the case of *United States* v. *Rich* (90 F. Supp. 624), in the eastern district of Illinois. Nor do the lottery statutes in their present form cover the many thousands of sports betting pool slips which are transported daily across State lines, for they do not meet the traditional definition of a lottery—the payment of a consideration must be for a prize to be awarded by chance. Even out-and-out lottery tickets may be shipped across State lines with impunity if they are printed in blank, shipped, and then locally overprinted with the playing numbers.

S. 1657 will fill the void now existing. It will make it a felony to send or carry knowingly in interstate or foreign commerce, or to mail, any wagering paraphernalia or device used, adapted, or designed for use in bookmaking, wagering pools with respect to a sporting event, or numbers, policy, bolita, or similar game. The shipment of parimutuel betting equipment into those States in which such betting is legal is excepted from the coverage of the bill. Also, to avoid any possibility of an interpretation which might bring within the criminal penalties of the bill a person who carries a newspaper or similar publication containing racing results or predictions, a specific exception is provided.

It is anticipated that this bill will be of material assistance in bringing about a sharp

curtailment of interstate wagering, and the shipment interstate of the wherewithal to conduct wagering activities in any one State. Bookmakers, as well as lottery and policy operators, need the channels of interstate commerce for big-time operations. State law enforcement officials have been virtually handcuffed in trying to cope with them and the Federal officials have lacked the statutory authority to render full assistance. With this bill, both may work hand in hand, as a team dedicated to the eradication of one of the great evils on the American scene today. Too many children go hungry because family funds needed for groceries are dumped into the coffers of the vice lords; too many government officials are tempted from their sworn duty by the bribes offered to them by the gamblers who mark up such outlays as part of the expense of doing business. With the Federal Government assisting the local authorities will not be frustrated in their efforts, and as a result they may be expected to be even more diligent in their work than they have been in the past.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 95 of title 18, United States Code, is amended by adding the following new section at the end thereof:

"§ 1952. Interstate transportation of wagering paraphernalia

"(a) Whoever, except a common carrier in the usual course of its business, knowingly carries or sends in interstate or foreign commerce any record, paraphernalia, ticket, certificate, bills, slip, token, paper, writing, or other device used, or to be used, or adapted, devised, or designed for use in (a) bookmaking; or (b) wagering pools with respect to a sporting event; or (c) in a numbers, policy, bolita, or similar game shall be fined not more than $10,000 or imprisoned for not more than five years or both.

"(b) This section shall not apply to (1) parimutuel betting equipment, parimutuel tickets where legally acquired, or parimutuel materials used or designed for use at racetracks or other sporting events in connection with which betting is legal under applicable State law, or (2) the transportation of betting materials to be used in the placing of bets or wagers on a sporting event into a State in which such betting is legal under the statutes of that State, or (3) the carriage or transportation in interstate or foreign commerce of any newspaper or similar publication."

and by adding the following item to the analysis of the chapter:

"Sec. 1952. Interstate transportation of wagering paraphernalia."

SEC. 2. Section 1302 of title 18, United States Code, is amended by deleting the dash at the end of the fifth paragraph and inserting in lieu thereof a semicolon and adding a new sixth paragraph as follows:

"Any article described in section 1952 of this title—".

OBSTRUCTION OF INVESTIGATIONS AND INQUIRIES

Mr. EASTLAND. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 562, Senate bill 1665.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1665) to amend chapter 73 of title 18, United States Code, with respect to obstruction of investigations and inquiries.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. EASTLAND. Mr. President, the bill provides permanent sanctions and imprisonment up to 5 years, or a fine of $5,000, or both, for obstructing any lawful inquiry or investigation conducted by the Department of Justice or the Department of the Treasury. The same penalty would be applicable to those who injure, threaten, or attempt to injure any person or property on account of any person furnishing information in connection with any lawful inquiry of the Department of Justice or the Department of the Treasury.

The bill would hit at the very heart of organized crime and the racketeer, because it would make it a criminal offense to attempt to threaten and intimidate a person from giving testimony or information to the FBI or to the Narcotics Bureau.

The PRESIDING OFFICER. The first committee amendment will be stated.

The first amendment of the Committee on the Judiciary was on page 1, line 11, after the word "investigation", to strike out "by any department or agency" and insert "conducted by the Department of Justice or the Department of the Treasury";

The amendment was agreed to.

The next amendment was on page 2, line 7, after the word "investigation", to strike out "or" and insert "conducted by the Department of Justice or the Department of the Treasury".

The amendment was agreed to.

The next amendment was, after line 8, to strike out:

(c) Whoever willfully and knowingly furnishes false or misleading information to any department or agency for the purpose of obstructing or impeding any lawful inquiry or investigation by any department or agency.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 73 of title 18, United States Code, is amended (a) by adding at the end thereof a new section as follows:

§ 1510. Obstruction of agency or department investigations

"(a) Whoever corruptly, or by threats or force directed to any person or property, intimidates, obstructs or impedes, or endeavors to intimidate, obstruct or impede any person for the purpose of obstructing or impeding any lawful inquiry or investigation conducted by the Department of Justice or the Department of the Treasury; or

"(b) Whoever injures, or threatens or attempts to injure, any person or property on account of any person's furnishing or having furnished information to any department or agency in connection with any lawful inquiry or investigation conducted by the Department of Justice or the Department of the Treasury.

"Shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(b) By amending the analysis of chapter 73 of such title by adding the following at the end thereof:

"1510. Obstruction of agency or department investigations."

The amendment was agreed to.

Mr. EASTLAND. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an explanation of the bill.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

S. 1665. OBSTRUCTION OF AGENCY OR DEPARTMENT INVESTIGATIONS

The last bill to which I invite favorable consideration would amend the "Obstruction of Justice" chapter of the Criminal Code, to provide that it shall be a felony punishable by a maximum of 5 years' imprisonment and/or a $5,000 fine or both to obstruct any lawful inquiry or investigation conducted by the Department of Justice or the Department of the Treasury. The same penalty would be applicable to those who injure, threaten, or attempt to injure any person or property on account of any person furnishing or having furnished information in connection with any lawful inquiry of the Justice Department or the Treasury Department.

In submitting this legislation the Attorney General called attention to the fact that the present obstruction of justice statutes (18 U.S.C. 1503, 1505) prohibit the influencing or impeding of witnesses in judicial proceedings, in proceedings pending before departments or agencies, and in inquiries or investigations being conducted by either House of Congress or any congressional committee. The obstruction of any inquiry or investigation conducted by the Department of Justice or by the Department of the Treasury prior to the initiation of a proceeding is not within the coverage of the statutes.

Because the experience of the Justice Department indicates that potential witnesses are often intimidated, threatened, or coerced when a matter is in an investigative stage, prior to the initiation of a proceeding, it is essential that the coverage be expanded. It is equally important that there be no obstruction whether a matter is at a stage just prior to or just after the initiation of the formal proceeding. Illustrative of the need for such legislation is the case of *United States* v. *Scoratow* (137 F. Supp. 620). In that case the defendant had threatened to kill a Mr. and Mrs. Friedman if Mr. Friedman gave any information to the FBI. Mr. Friedman was being interrogated by the FBI in an investigation of a possible false statement to the FHA involving a nephew of Mr. Scoratow. The court held that such intimidation was not covered by the obstruction of justice statutes and dismissed the indictment.

Another case which the Attorney General called to the Committee's attention involved a man named Scuttles. He had been interviewed in connection with a stolen automobile. When the man who sold Scuttles the automobile got out of prison he threatened to kill him because he believed Scuttles had given the information leading to his conviction. Since Scuttles was never a witness at the trial of the man who threatened him, no prosecution was possible.

This measure is an indispensable weapon in the all-out fight which is about to take place against organized crime. It is essential that the Federal Government be in a position to move against any who seek to interfere with the Justice or Treasury Departments in their investigative activities. It may be expected that attempts will be made to silence witnesses through threats or violence; the Government must be in a position to act vigorously in such instances.

The President submitted a special message to the Congress on March 6, 1961, amending the budget request for fiscal 1962 to request an additional $540,000 for the Justice Department to use to provide additional staff to combat lawlessness and to coordinate governmentwide efforts against crime. That money and this legislation, as well as some additional legislation to come before the Senate at a later date, should take us a long way along the road to a country considerably freer of the evil influence of today's syndicated racketeer.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KEATING. Mr. President, I wish to comment briefly on the bill. I consider it an extremely important bill, which would close a serious defect in the present obstruction-of-justice statute.

Under the present law it is a crime to intimidate witnesses in pending judicial proceedings, but not prior to the formal initiation of proceedings. A shocking illustration of the inadequacy of the present section is the situation in the Scoratow case—137 F. Supp. 620. In that case, the defendant threatened to kill potential Government witnesses if they gave any information to the FBI. The court held that such intimidation did not come within the existing law because the case against the defendant had not been instituted at the time of his threat.

In another case a man who had been interviewed by FBI agents in connection with a white slave traffic investigation, was accosted by another man who displayed a knife and threatened to kill the person being interviewed if he gave any information to the FBI. Again, no action could be taken against the person making these threats because of the fact that no actual proceeding was in progress.

Of course coercion can assume a more subtle form. We know that one effective form of silencing potential witnesses is economic duress. A sharecropper whose lease may not be renewed or whose credit may not be extended, or an employee who may lose his means of livelihood will not make a very willing witness. There is no reason to expect every witness to be a martyr. This bill would cover all forms of intimidation, including these economic threats, and would be of assistance in virtually every type of criminal prosecution.

We all know the difficulties which the Government frequently encounters in obtaining witnesses in criminal prosecutions. It certainly should be able to protect Government witnesses against any intimidation including out-and-out threats of violence such as murder.

This gap in the law should have been closed a long time ago. The administration of justice is one of the prime responsibilities of government. It should not be subjected to such hazards and obstacles as arise from the Government's inability to give full legal protection to potential witnesses.

The leaders of organized crime are familiar with every one of these legal shortcomings under the present law. They exploit each advantage in promoting their nefarious activities.

I do not contend that the disturbing increase in crime which has recently been indicated by the report of the Director of the FBI is due entirely to the imperfections in our present criminal statutes, but I do believe that these loopholes are a contributing factor, and sometimes a decisive factor in our failure to bring the racketeers to book.

The public would wonder why more attention has not been given to those problems in the past, if it were fully informed. I have been astounded at the meager volume of my mail on these important bills. There simply is not the awareness of the serious shortcomings which now exist in our anticrime tools to curb the lawless elements in our midst.

In some cases a certain mawkish sentimentality prevails which puts the conveniences of defendants in criminal cases above society's interest and every individual's interest in freedom under law. We think of a thousand reasons why some measure might be unfair in some hypothetical case to some hypothetical criminal, but are unmoved by the overwhelming proof that crime is imperiling all of our freedoms.

This is one of the most important bills in the Attorney General's crime program: first, because it closes a significant gap in the present law and second, because it will enhance confidence in the judicial process. It will give new security to witnesses in criminal proceedings and will be a great aid to law-enforcement agents in ferreting out the facts about particular offenses. This bill has my strong support and I hope it will be overwhelmingly approved.

I wish to add generally, with regard to all of these crime bills, that they are a very important step in the right direction, and I commend the Attorney General for presenting them. I commend also the other members of the Committee on the Judiciary for the expedition which they used in reporting these bills. I should call attention to the fact, however, that the former Attorney General, Mr. Rogers, and President Eisenhower for years sought similar additional law enforcement tools. Year after year bills were introduced along these same general lines, some of them identical. No action was ever forthcoming over a 5- or 6-year period. I happen to know a little bit about the situation, because I offered some of the bills in the other body and some in the Senate. The Senator from Wisconsin [Mr. WILEY] offered some of them also. That is not to detract, however, from the vigor with which the present Attorney General has sought action in this field and I commend him for it.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill (S. 1665) was passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 73 of title 18, United States Code, is amended (a) by adding at the end thereof a new section as follows:

"§ 1510. Obstruction of agency or department investigations

"(a) Whoever corruptly, or by threats or force directed to any person or property, intimidates, obstructs or impedes, or endeavors to intimidate, obstruct or impede any person for the purpose of obstructing or impeding any lawful inquiry or investigation conducted by the Department of Justice or the Department of the Treasury; or

"(b) Whoever injures, or threatens or attempts to injure, any person or property on account of any person's furnishing or having furnished information to any department or agency in connection with any lawful inquiry or investigation conducted by the Department of Justice or the Department of the Treasury.

"Shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(b) By amending the analysis of chapter 73 of such title by adding the following at the end thereof:

"1510. Obstruction of agency or department investigations."

AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE ARMED FORCES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 618, S. 2311.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2311) to authorize additional appropriations for aircraft, missiles, and naval vessels for the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I request all attachés of the Senate to notify the Members of the Senate on both sides of the aisle that two very important bills and one very important resolution will be before the Senate and that their presence on the floor will be very much appreciated.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HICKEY in the chair). Without objection, it is so ordered.

FOREIGN AID—FINANCING OF DEVELOPMENT LOAN FUND

Mr. BYRD of Virginia. Mr. President, the foreign aid bill (S. 1983), as approved by the Committee on Foreign Relations, has been reported to the Senate. I wish to advise Senators and others who may be interested that I am today submitting an amendment to the bill which I propose to call up at the proper time.

The purpose of the amendment is to eliminate the provisions in the bill for financing the new Development Loan Fund through the so-called back door with expenditures from public debt receipts, and to substitute instead an authorization for orderly and unquestionable annual appropriations.

The amendment would authorize annual appropriations over the span of 5 fiscal years, 1962–66. The authorization for appropriated funds in each year would be in precisely the same amounts as the bill would allow to be drawn down annually in expenditures out of the debt. The actual appropriations, of course, may be held below the authorization limitation.

Since the United States started to finance foreign aid some 15 years ago, Congress has taken the sound position that these programs have broad foreign and domestic implications which require the effective annual review inherent in the appropriation process.

The amendment I am proposing preserves this wise position, which Congress has reaffirmed annually since the end of World War II. At the same time it provides continuity in authorization which, with reasonable assurance, may be used as a basis for advance planning.

If this amendment is not adopted, the bill would nullify the tested policy of Congress with respect to the expenditure of billions of dollars in foreign aid, and would set a questionable precedent for financing soft loans to undeveloped and lesser developed countries and areas of uncertain merit.

Section 201(a) of the bill as reported by the Foreign Relations Committee—beginning on page 4, line 20, of the bill—directs the President of the United States to establish a new Development Loan Fund to assist peoples of the world in their efforts toward economic and social development.

The language of section 202(a)—beginning on page 6, line 4 of the bill—directs the President to capitalize this loan fund with $8,787 million chargeable to the public debt of the United States over 5 fiscal years 1962–66; $1,187 million in the current year 1962, and $1,900 million in each of the succeeding 4 years.

This $8.8 billion in expenditures out of receipts from the sale of public debt would be drawn from the Treasury of the United States on notes by the President with "such maturity," and on such "other terms and conditions" as he may determine.

In short, section 202(a) of the committee bill authorizes the capitalization of the new Development Loan Fund at nearly $9 billion by the use of public debt receipts. This is the device frequently called back-door financing because it evades the appropriation process.

From money provided through U.S. debt, the new foreign-aid fund would make loans to "less-developed countries and areas." I quote from page 8 of the Senate Foreign Relations Committee Report No. 612:

> Interest rates as low as 1 percent are contemplated, and some loans will probably be interest free. Terms of repayment up to 50 years will be permitted, in some cases with no repayment of principal for initial periods up to 10 years.

Under section 205(a), beginning on page 9, line 10, of the bill, "standards and criteria" for these loans would be set by an "interagency Development Loan Committee," to be established by the President, consisting of "such officers of such agencies of the Government as he may determine."

Advocates of financing these loans by borrowing out of the public debt follow the contention found on page 11 of the committee Report No. 612. It holds that such borrowing authority would bring foreign "development lending operations more closely into line with established banking and business procedures."

I doubt that the procedures of any sound banking institution or business would allow for high-risk 50-year loans, with no payment on principal in the first 10 years, at 1 percent interest or no interest at all. If there is even a Federal Government lending agency making such loans, it does not readily come to mind.

The committee Report No. 612, on page 10, lists 24 past and present Federal agencies and programs financed with debt receipts, and cites their "excellent" record as an argument for capitalizing the new Development Loan Fund in the same manner.

These lending agencies are like snakes; they cannot be measured accurately until they are dead. But, even at this date, the combined statement of the Treasury indicates that to describe their record as "excellent" would be an exaggeration.

Since the establishment of the Reconstruction Finance Corporation—the first agency to spend out of debt receipts—the Treasury on June 30, 1960, had advanced $106.7 billion through these accounts; and net losses at that time in cancellation of notes and appropriations to restore impaired capital totaled $18.2 billion.

Also, most of the 24 agencies and programs cited in the report have been corporate entities or other so-called business-type agencies. Most of their loans have been in the United States and secured by relatively good collateral. All of this is in sharp contrast with the proposed new Development Loan Fund, its organization, and its operations.

The new fund would be headed by a part-time committee. It would have no charter, no president, and no board. I find little reason to expect substantial repayment of the loans. They might as well be regarded as grants from the outset and provided for as such.

The bill uses the appropriation process to fund nearly $5 billion in foreign aid grants for social and economic development and military assistance. This is in addition to the $8.8 billion in public debt receipts—over 5 years—for so-called development loans.

Appropriations for military assistance grants would be authorized for 2 years, 1962 and 1963, at $1.8 billion a year. The bill also would authorize 1-year appropriations for social and economic assistance grants totaling $1,289 million in fiscal year 1962.

There is no reason sufficient to justify funding these development loans in a manner to evade effective annual review in the appropriation process. Other important activities requiring both planning and continuity are financed in the orthodox manner without complaint.

Vital military procurement, including missile, aircraft, and ship construction, is financed through the appropriation process. Military departments are willing to justify their expenditures annually. Public works and social programs at home are financed with annual appropriations.

Neither is the statement on page 4 of the committee Report No. 612 that foreign aid, including long-range development loans, is a central instrument in our foreign policy an argument for bypassing the appropriation process. Foreign policy is not static. It changes, sometimes rapidly. It needs continual review.

Since the end of World War II, the United States had spent a gross total of $90.8 billion in foreign aid through June 30, 1961. As the committee foreign aid bill now stands before the Senate, it would authorize the use of another $11.6 billion in the current fiscal year 1962.

This is an astounding figure, but analysis of the bill will reveal authorizations for this year alone, as follows: $1,187 million in authority to spend from debt receipts for development loans; $1,289 million in appropriations for economic and social development grants; $51 million in appropriations for administrative expenses; $1,800 million in appropriations for military assistance grants; $200 million in authority to use military stocks of the Defense Department; $3,108 million of unexpended balances in economic assistance accounts continued available; $631 million in available foreign currencies; $2,370 million of unexpended balances in military assistance accounts continued available; and $1,000 million in authority to use foreign currency receipts from loans, Public Law 480 transactions, and so forth, for a total of $11,636 million.

The bill as it stands is called a 5-year plan. Annual authorizations to spend out of the Federal debt are fixed specifically, and for the 5 years they total $8.8 billion.

Assuming annual appropriation authorizations at the 1962 level throughout the period 1962–66, along with other available funds, the 5-year cost of foreign aid as contemplated in this bill may be estimated at more than $36.6 billion.

I ask unanimous consent to have printed at this point in the RECORD, a tabular presentation showing the figures I have just summarized for fiscal year 1962, and the projection for fiscal years 1962 to 1966, inclusive.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Spending authority for U.S. foreign aid programs provided in S. 1983, as reported to the Senate, July 24, 1961 (5-year projection, fiscal years 1962–66) [1]

[In millions]

Page	Line	Authorization and program	Amounts authorized specifically		Amounts authorized generally		Amounts provided from other sources		Total		
			Fiscal year 1962	Fiscal years 1963–66	Fiscal year 1962	Fiscal years 1963–66	Fiscal year 1962	Fiscal years 1963–66	Fiscal year 1962	Fiscal years 1963–66	Total
		Development assistance:									
6	9	Loans: Authority to spend from public debt receipts	$1,187	$7,600					$1,187	$7,600	$8,787
6	12										
		Grants, etc:									
11	11	Development grants	380			[1] $1,520			380	[1] 1,520	1,900
14	25	Authority to guarantee investments abroad	(1,100)						(1,100)		(1,100)
15	22										
22	9	Surveys of investment opportunities	5			[1] 20			5	[1] 20	25
24	23	Contributions to international organizations and programs	154			[1] 614			154	[1] 614	768
27	13	Supporting assistance	450			[1] 1,800			450	[1] 1,800	2,250
27	18	Contingency fund	300			[1] 1,200			300	[1] 1,200	1,500
		Subtotal, grants	1,289			5,154			1,289	5,154	6,443
92	25	Administrative expenses	51			[1] 204			51	[1] 204	255
		Unexpended balances continued available:									
99	1	Appropriations and other authorizations			$3,108				3,108		3,108
51	21	Foreign currencies			631				631		631
		Subtotal, balances			3,739				3,739		3,739
		Other:									
45	3	Authority for Federal agencies to furnish service and commodities									
51	21	Authority to use foreign currency receipts from loans, Public Law 480 activities, etc., estimated					$1,000	$4,000	1,000	4,000	5,000
		Total, development assistance	2,527	7,600	3,739	5,358	1,000	4,000	7,266	16,958	24,224
		Military assistance:									
31	30	Grants, etc	1,800	1,800		[1] 5,400			1,800	[1] 7,200	9,000
99	1	Unexpended balances of appropriations continued available			2,370				2,370		2,370
		Other:									
34	20	Authority to sell military stocks to foreign countries, etc									
35	10	Authority to contract for procurement of military stocks for sale to foreign countries, etc									
37	5	Authority to use Department of Defense military stocks	200	800					200	800	1,000
		Total, military assistance	2,000	2,600	2,370	5,400			4,370	8,000	12,370
		Grand total	4,527	10,200	6,109	10,758	1,000	4,000	11,636	24,958	36,594

[1] Assuming 1962 level of appropriations.

Mr. BYRD of Virginia. Mr. President, in view of the tremendous cost of foreign aid programs in the past, and the prospect for increasing cost in the future, the American people are entitled to a continual review of the worldwide activities and effective control over the use of their money.

I am unimpressed by the argument that review and control would be provided through routine reports to Congress and application of the Corporation Control Act. The reporting would be of little value, and the Corporation Control Act would not provide the kind of control needed in this case.

I developed the Corporation Control Act, and I know what is was intended to do. It was originated as a means of requiring Government corporations to keep books capable of audit. This is important, but it is not an effective substitute for the continual statutory and appropriation control needed in foreign aid programs.

Without the amendment I am offering, the new Development Loan Fund could be described as a Federal bureau authorized to increase the debt of the American people by $8.8 billion in 5 years with few if any strings attached.

Proper consideration of this bill must take into account that the vast spending authority which it provides is coupled with 51 grants of discretionary power and 18 authorizations to disregard other laws applicable to foreign aid activities for an indefinite period.

It is true that most of the discretionary powers given to the President and his foreign aid appointees in this bill, like most of the authority to disregard existing laws, have been granted in some form o. another in previous foreign aid bills. But this bill is different.

Previous foreign aid legislation has been limited to 1 year; the heart of this bill is a 5-year loan program. I submit that the Congress of the United States has an overriding responsibility to maintain a continuing and effective control over such a combination of money and power as this bill would establish.

I ask unanimous consent to have printed at this point in the RECORD, first, a list of instances in which discretionary power is granted; and second, a list of authorizations for disregarding existing law.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

DISCRETIONARY POWERS

Granting the President broad discretionary powers, the bill would authorize him to:

1. Page 5, line 1: Make development assistance loans on such terms and conditions as he may determine.

2. Page 6, line 20: Borrow money from the Treasury through public debt transactions with such maturities and other terms and conditions as he may determine.

3. Page 9, line 10: Establish a Development Loan Committee consisting of officers from such Federal agencies as he may determine.

4. Page 10, line 7: Make development assistance grants on such terms and conditions as he may determine.

5. Page 11, line 16: Use development assistance grant funds for atoms-for-peace program on such terms and conditions as he may determine.

6. Page 12, line 1: Use development assistance grant funds and foreign currencies for schools and libraries abroad founded or sponsored by U.S. citizens, on such terms and conditions as he may specify.

7. Page 12, line 10: Use foreign currencies for grants to hospitals abroad founded or sponsored by U.S. citizens on such terms and conditions as he may specify.

Issue "all risk" guarantees for U.S. investments abroad, and to determine:

8. Page 15, line 1: (a) Where such action is important.

9. Page 15, line 9: (b) The nature of the risks to be guaranteed.

10. Page 15, line 10: (c) Terms and conditions of the guarantees.

11. Page 16, line 13: Charge fees for guarantee of U.S. investments abroad in amounts to be determined by him.

12. Page 23, line 13: Conduct research into development assistance including such aspects as he may determine.

13. Page 23, line 25: Make grants to international organizations and their programs on such terms and conditions as he may determine.

14. Page 26, line 23: Waive provisions of law requiring use of U.S. vessels in making shipments to Indus Basin development program if he determines it to be necessary.

15. Page 27, line 7: Make grants to support or promote economic or political stability on such terms and conditions as he may determine.

16. Page 27, line 21: Use his contingency funds when he determines such use to be important to the national interest.

17. Page 30, line 19: Furnish military assistance on such terms and conditions as he may determine.

18. Page 30, line 21: Furnish military assistance to any country or international organization when he finds it to be in the national interest.

19. Page 32, line 18: Consent to exceptions to the conditions of eligibility established for recipients of military assistance.

20. Page 35, line 1: Sell Department of Defense military stocks directly to foreign governments and allow delayed payments as he determines up to 3 years.

21. Page 36, line 24: Use up to $200 million a year in Department of Defense military stocks in advance of military assistance appropriations if he determines it to be vital to the security of the United States.

22. Page 38, line 3: Determine when internal security requirements are not to be the basis for Latin American military aid.

23. Page 41, line 18: Procure materials outside the United States for purposes of the act unless he determines it would adversely affect the U.S. economy.

24. Page 42, line 25: If he judges it to be in the best interest of the United States, retain any foreign-aid article or make it available to any U.S. Government agency he may determine.

25. Page 45, line 4: Allow any U.S. agency to provide goods and services to foreign governments, etc., on an advance or reimbursement basis, when he determines it to be in furtherance of economic development purposes.

26. Page 49, line 4: Determine amount of foreign currency to be made available for U.S. uses from special accounts of counterpart funds.

27. Page 50, line 4: Allow transfer of grant funds among programs up to 10 percent whenever he determines it to be necessary.

28. Page 52, line 17: Determine the amounts of foreign currencies excess to regular U.S. Government requirements which are available for economic and social development purposes.

29. Page 54, line 8: Use up to $250 million a year in military assistance funds and Department of Defense stocks in advance of appropriations, all other laws and requirements to the contrary notwithstanding, if he determines it to be required by the national interest.

30. Page 54, line 11: Use so-called support assistance (economic or political) funds in order to meet responsibilities or objectives of United States in Germany and West Berlin, when important to national interest.

31. Page 54, line 15: Use support assistance funds in Germany and West Berlin without regard to any law he determines should be disregarded.

32. Page 54, line 20: Use amounts not exceeding $50 million upon his certification that it is inadvisable to specify the nature of the use of such funds.

Suspend assistance to any country which has nationalized or expropriated property of a U.S. citizen, and make determinations as to:

33. Page 55, line 17: (a) When such is the case.

34. Page 55, line 24: (b) What steps a country shall take to discharge its obligation.

35. Page 56, line 2: (c) Whether it is in the national interest to suspend the aid.

36. Page 56, line 23: Execute foreign aid programs through any agency or officer of U.S. Government he may designate.

37. Page 63, line 8: Employ such personnel as he deems necessary.

38. Page 65, line 23: Appoint and assign personnel under such provisions of the Foreign Service Act of 1946 as he deems appropriate.

39. Page 70, line 5: Allow detail or assignment of officer or employee to a foreign government if he determines it to be in furtherance of the purposes of the act, where no oath of foreign allegiance or compensation are involved.

40. Page 70, line 16: Allow detail or assignment of U.S. officer or employee to international organization if he determines it to be in furtherance of the purposes of the act.

41. Page 73, line 18: Appoint and remove at his discretion the chief and deputy chief of special missions or staffs established to carry out economic development programs.

42. Page 73, line 24: Fix salaries of mission chiefs and deputies in accordance with such provisions of Foreign Service Act of 1946 as he deems proper.

43. Page 78, line 9: Disregard, if he determines it to be in furtherance of the purposes of the act, any law he may specify regulating Government contracting (except Renegotiation Act).

44. Page 78, line 18: Disregard such provisions of the Neutrality Act as he may specify in connection with the military assistance programs.

45. Page 79, line 8: Determine information to be made available with respect to operations under the act which he does not deem to be incompatible with the public interest.

46. Page 80, line 8: Certify that he has forbidden the furnishing of information to the Congress and GAO.

47. Page 82, line 20: Compromise or collect obligations, etc., accruing to him, as he may determine.

48. Page 83, line 7: Determine character of, and necessity for, obligations and expenditures of funds used in making loans under the act, and the manner in which they shall be incurred, allowed, paid, etc.

49. Page 84, line 3: Direct terms and conditions of settlement or arbitration of claims and disputes arising from operations under the act in connection with investment guarantees.

50. Page 95, line 13: Pending enactment of Peace Corps legislation, apply such provisions of the act to the Peace Corps as he may determine.

51. Page 101, line 8: Designate an agency to service Public Law 480 loans in place of the Export-Import Bank.

DISREGARD OF OTHER LAWS

Disregarding provisions of existing law the bill would authorize the President to:

1. Page 12, line 5: Use foreign currencies to assist schools, libraries and hospitals founded by U.S. citizens abroad, notwithstanding provisions of existing law relating to embargo and control of shipments to Iron Curtain countries, etc.

2. Page 26, line 20: Disregard provisions of existing law requiring use of U.S.-flag vessels in making shipments for Indus Basin development.

3. Page 41, line 12: Disregard provisions of existing law requiring use of U.S.-flag vessels in shipment of commodities purchased with foreign currencies.

4. Page 43, line 5: Disregard provisions of existing law regarding disposal of surplus property when necessary to prevent spoilage and wastage of certain commodities and defense articles acquired for use under the act.

5. Page 45, line 21: Establish a revolving fund to deal in excess property financed by transfers from other accounts, notwithstanding existing provisions of law prohibiting such transfers without specific authority.

6. Page 52, line 18: Use foreign currency receipts, notwithstanding provisions of other laws governing the collection and use of such currencies, when he determines them to be available.

7. Page 54, line 4: Furnish up to $250 million in military assistance funds, and Department of Defense stocks in advance of appropriations, each year when he determines it to be in the national interest, without regard to any other requirements of the act, future appropriation acts, and the provisions of existing law relating to embargo and control of shipments to unfriendly countries, etc.

8. Page 54, line 15: Use economic and political support funds to meet U.S. objectives in Germany and West Berlin, without regard to such provisions of law as he determines should be disregarded.

9. Page 63, line 13: Hire, compensate and remove persons in 85 positions within the United States, without regard to civil service or any other laws; supergrades and others with salaries up to $19,000.

10. Page 66, line 19: Separate employees failing to meet his standards without regard to civil service or other laws.

11. Page 67, line 16: Make arrangements for reimbursement from foreign countries for performance of functions, but officers and employees under the act may not accept any benefits from foreign governments, notwithstanding any other provisions of law.

12. Page 69, line 15: Hire retired military officers, notwithstanding section 2, act of July 31, 1894.

13. Page 73, line 17: Remove chief and deputy chief of special missions abroad from office at his discretion, notwithstanding provisions of any other law.

14. Page 78, line 9: Disregard provisions of law governing Federal contracting in purchasing under the act.

15. Page 78, line 16: Disregard such provisions of the Neutrality Act as he may specify.

16. Page 78, line 20: Assign military personnel to civil offices notwithstanding provisions of existing law.

17. Page 84, line 15: Subsections 636 (b) and (c) contain four authorizations to waive existing law with respect to certain operating expenses abroad, including printing, binding, office space, housing, schools, hospitals, etc.

18. Page 92, line 18: Use and maintain, alter, etc., U.S.-owned facilities to train foreign military personnel without specific appropriation as required in other law.

Mr. BYRD of Virginia. Mr. President, this is not the first effort to bypass the control of the appropriation process in obtaining money for the Development Loan Fund. It has been tried twice before, and Congress has rejected it both times.

The provision for financing the Fund out of debt receipts was first killed by a floor amendment in the House of Representatives in 1957. The Senate killed the second attempt in 1959, when the validity of the authorization was challenged on a point of order.

The validity of authorizations to spend from public debt receipts outside the orthodox appropriation process has always been questionable and in the shadows of the provision of article I, section 9, of the Constitution which says:

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

Representative CLARENCE CANNON, chairman of the Committee on Appropriations of the House of Representatives, has described the practice of evading appropriation control by use of authority to spend from the debt as "reprehensible." I agree with him.

I have opposed the practice in the past. I oppose it now. I am proposing at this time that the authorization for the Development Loan Fund to evade effective annual appropriation control be deleted from the bill.

I shall offer an amendment which would substitute tested and unquestionable appropriation authorization for the same period and in the same amounts.

Mr. President, I ask unanimous consent that the text of the amendment may be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 6, strike out lines 4 to 24, inclusive, and insert the following:

"SEC. 202. Authorization.—(a) There is hereby authorized to be appropriated to the President for use in carrying out the provisions of this title such sums, not to exceed $1,187,000,000 for use beginning in the fiscal year 1962 and not to exceed $1,900,000,000 for use beginning in each of the fiscal years 1963 through 1966, as the Congress shall hereafter determine to be necessary, which amounts shall remain available until expended."

On page 8, line 13, beginning with "(i)" strike out down to the comma in line 16, and insert the following: "(i) all funds appropriated pursuant to the authorization contained in section 202 (a)".

On page 8, strike out lines 19 to 23, inclusive.

On page 9, lines 6 and 7, strike out "and notes issued under section 202 (a),".

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE ARMED FORCES

The Senate resumed the consideration of the bill, S. 2311, to authorize additional appropriations for aircraft, missiles, and naval vessels for the Armed Forces, and for other purposes.

Mr. RUSSELL. Mr. President, I understand that Senate bill 2311 is the pending business before the Senate.

The PRESIDING OFFICER. That is correct.

Mr. RUSSELL. Mr. President, S. 2311 is the first of the two proposals by the President in his address last Tuesday evening that require legislative action. This bill would authorize additional appropriations for the procurement of aircraft, missiles, and naval vessels in the amount of $958,570,000.

As Members of the Senate know, the President requested additional appropriations amounting to $3,454,600,000, of which $3,247 million is for the Armed Forces and the remainder for civil defense. Of the $3,247 million for the Armed Forces, $1,753 million is intended for the procurement of weapons, equipment, and ammunition to increase our nonnuclear capabilities, or what is more commonly called the ability to wage conventional war. Of the $1,753 million intended for procurement, items that require additional authorization total $958,570,000—the amount of authorization provided in S. 2311. The items that require additional authorization of appropriations are those for the procurement of aircraft, missiles, and naval vessels.

The committee report contains descriptive material on the items that would be procured with appropriations this bill would authorize. Quantities of each item are not shown, and the amount of the authorization that would be applied to each item is also omitted. This is in an effort to avoid publication of information that could be helpful to our adversaries. An examination of the types of aircraft and missiles to be procured quickly shows that the items included are those that can be ordered and delivered promptly. Earlier this year the committee recommended in the Senate and the Congress acted favorably on an authorization of appropriations for the procurement of aircraft, missiles, and naval vessels in a total of $12,571 million. The items that will be bought with this additional authorization are to a large degree additional quantities of similar items previously authorized. In one or two instances, the earlier authorization was for more advanced or sophisticated versions of aircraft and missiles than the types that will be purchased under the authorization provided in this bill. The reason is that the models on which this authorization is concentrated are those that have been in production and for which additional production can be quickly had.

In summary, I may say the Army would be granted an aircraft procurement authorization of $36,700,000 for added quantities of the Iroquois and light observation helicopters and the Caribou, Mohawk, and Seminole aircraft types; the Army missile authorization of $33,770,000 is for Hawk, Nike-Hercules, and Honest John missiles and components. The Navy aircraft authorization of $281,400,000 is for light jet attack bombers, two types of all-weather jet fighters, two types of anti-submarine warfare aircraft, three types of helicopters, and a combination transport-refueling aircraft; the Navy missile authorization of $262,200,000 is for further procurement of the Sidewinder, Sparrow, Bullpup, Tartar, Terrier, and Talos missiles. The Navy vessel authorization of $41,600,000 would be in support of an appropriation to repair the fire damage that was sustained by the aircraft carrier, the U.S.S. *Constellation*, while it was under construction in New York. The Air Force aircraft authorization of $294,100,000 is for more F–105's, a tactical fighter type, and additional C–130B's and E's, long-range transports, and additional procurement of air-to-air rockets of the Falcon and Sidewinder type; the Air Force missile procurement authorization of $8,800,000 is all for the Bullpup air-to-ground missile.

Mr. President, this is a brief and possibly oversimplified explanation of this authorization, but the committee was convinced that the need for these items is real and that the authorization should be promptly granted, in order to facilitate consideration and final action on the appropriations bill for the Department of Defense. I shall be glad to attempt to answer questions that may be propounded.

The committee report dealing with this measure contains more detailed information as to the types and purposes of the military equipment authorized; and I ask unanimous consent that an excerpt from the report be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the excerpt from Report No. 645, was ordered to be printed in the RECORD, as follows:

> This bill would authorize additional appropriations in fiscal year 1962 for the procurement of aircraft, missiles, and naval vessels in a total amount of $958,570,000.
>
> NEED FOR AUTHORIZATION
>
> Section 412(b) of Public Law 86–149 requires authorization for appropriations after December 31, 1960, for the procurement of aircraft, missiles, or naval vessels by the Armed Forces. Earlier this year the Congress approved Public Law 87–53, which provided an authorization of appropriations for aircraft, missiles, and naval vessels in a total of $12,571 million.
>
> In his address to the Nation on July 25, 1961, the President announced his intention to request additional appropriations for the Armed Forces in the amount of $3,247 million. Of this additional appropriations request, $1,753 million is for the procurement of weapons, equipment, and ammunition. Of the $1,753 million additional procurement appropriations request, the amount that requires additional authorization is $958,570,000, the amount of authorization that would be provided by this bill. The difference between the authorization of appropriations contained in this bill and the total amount intended for military procurement is made up of items other than aircraft, missiles, and naval vessels.

Summary of authorization request

Category and service	Appropriation title	Additional fiscal year 1962 NOA requiring authorization
Aircraft:		
Army	Procurement of equipment and missiles, Army	$36,700,000
Navy and Marine Corps	Procurement of aircraft and missiles, Navy	281,400,000
Air Force	Aircraft procurement, Air Force	(211,500,000)
	Airlift modernization, Air Force	(82,600,000)
Subtotal, aircraft		612,200,000
Missiles:		
Army	Procurement of equipment and missiles, Army	33,770,000
Navy	Procurement of aircraft and missiles, Navy	262,200,000
Marine Corps	Procurement, Marine Corps	
Air Force	Missile procurement, Air Force	8,800,000
Subtotal, missiles		304,770,000
Naval vessels: Navy	Shipbuilding and conversion, Navy	41,600,000
Grand total		958,570,000

DETAILS OF AUTHORIZATION REQUESTS

During the hearing on this bill the committee was furnished justification material indicating the purposes for which appropriations will be sought on the basis of the authorization that this bill would provide. The supporting material indicated the quantities of each item to be procured and the part of the authorization allocated to each weapon. The quantities of each item when compared with the dollar amounts allocated to that item are classified as "confidential" and are omitted from this report. Publication of information of this type, when related to similar information in other years, could provide potential enemies helpful information on inventories and it could handicap the military departments in their attempts to procure these items for less than the estimated costs submitted to the committee.

ARMY AUTHORIZATION

Aircraft

The bill would authorize additional appropriations for the procurement of Army aircraft in the amount of $36,700,000. Previously $211 million was authorized for this purpose. The additional authorization is intended for increased procurement of four types of aircraft: the Iroquois, Caribou, Mohawk, and Seminole. In addition, the Army plans to procure observation helicopters of the currently available Sioux or Raven types. These aircraft are intended to accelerate the Army's capability for air mobility within the combat zone.

A brief description of each of the aircraft types follows:

1. Iroquois: This helicopter, designated the HU–1B by the Army, provides tactical mobility for combat troops, supplies, and battlefield evacuation. It is a low-silhouette, all-metal, single-rotor helicopter powered by a single gas-turbine engine. With a crew of 1, it can fly a range of 175 nautical miles at a speed of 100 knots while carrying a payload of 2,000 pounds or from 7 to 11 passengers or 3 litters.

2. Caribou: This aircraft is intended to satisfy an Army requirement for a short takeoff and landing aircraft that can move troops, weapons, equipment, and supplies rapidly within the combat zone. In combination with the Chinook helicopter previously authorized, this aircraft will provide the Army with a versatile team that can operate in areas affording short takeoff and landing strips. It is an all-metal cargo aircraft with rear loading ramp powered by two 1,450-horsepower piston engines. With a crew of three, it can fly 850 nautical miles at a speed of 156 knots while carrying 3 tons of cargo or 32 passengers, or 14 litters and 8 ambulatory patients.

3. Mohawk: This aircraft can operate from small, unimproved areas. Its mission is to provide the Army with improved capability for performing close aerial observations, battlefield surveillance, and target location missions. It is an all-metal, midwing monoplane, powered by two turbine engines. With a crew of two, this aircraft carries 800 pounds of combat surveillance equipment for a range of 400 nautical miles, at a speed of 200 knots.

4. Seminole: The Army uses this aircraft primarily for personnel transport, aerial resupply, and medical evacuation. Additional usage includes flight training and limited battlefield surveillance. It is an all-metal, low-wing monoplane, powered by two piston-type engines. With a crew of one, it can fly 1,050 nautical miles, at a speed of 155 knots while carrying five passengers or 1,680 pounds of cargo.

5. Light observation helicopters: This helicopter provides frontline tactical commanders of an air vehicle for reconnaissance liaison and control, emergency medical evacuation, and limited resupply. With a crew of one, this helicopter flies 180 nautical miles at a speed of 70 knots, while carrying 400 pounds of cargo or one to two passengers.

Missiles

The bill would authorize additional appropriations for Army missile procurement in the amount of $33,770,000. Appropriations of $550,800,000 for procurement of Army missiles were previously authorized. The increased authorization would support appropriations for the Army to continue procurement of the following types of missiles:

1. Hawk missiles with warhead: Hawk is the only modern mobile weapon system available to provide forward elements of the field Army with protection against low-altitude aircraft. It can engage modern aircraft from treetop level to altitudes in excess of 35,000 feet. This increased authorization is for continued procurement of missiles and warheads.

2. Honest John: This is a bread-and-butter heavy, close-support weapon of the Army. It is found in infantry and armored divisions and is also assigned to corps artillery. It utilizes nuclear warheads and a highly effective, high-explosive warhead. The simplicity, range, rate of fire, mobility, and all-weather capability of the system permits effective and continuous heavy fire support of all combat units.

The Honest John is employed against personnel such as massed troops and hard targets such as command posts and supply points.

The increased authorization requested will permit appropriations for procurement of additional rockets and warheads which will materially improve the Army's conventional capability in this system.

3. Nike-Hercules warhead section, HE, M17: The Nike-Hercules surface-to-air missile system is capable of using either a nuclear or a nonnuclear conventional warhead. It can destroy high-flying, high-speed modern aircraft. The authorization requested will permit appropriations for additional HE warheads which will materially improve the conventional capability. While Nike-Hercules is used both in the continental United States and overseas, these warheads are planned for use in support of the field army and oversea installations.

NAVY AUTHORIZATION

Vessels

The bill provides $41,600,000 in authorization of appropriations for the construction and conversion of naval vessels. This authorization would be in addition to the $2,957 million in authorizations provided in Public Law 87–53. The addition is intended to support an appropriation to cover the fire damage incurred aboard the carrier *Constellation* while it was under construction.

Aircraft

The bill provides $281,400,000 in authorization of appropriations for the procurement of aircraft for the Navy and the Marine Corps. Previous 1962 authorization for this purpose was $1,585,600,000. A brief description of the aircraft types to be procured follows:

A4D–2N: This is a light jet attack plane used by the Navy and the Marine Corps for air strikes and for the close support of ground troops. It is a less advanced design than the A4D–5 that was authorized earlier for procurement in 1962, but this model is in production and can be procured quickly.

F4H–1: This is a twin engine, all-weather, supersonic jet fighter that the Navy considers superior in performance to any in the world. This aircraft, called the Phantom, can deliver atomic weapons and conventional bombs as a fighter bomber. It incorporates the latest developments for the use of air-to-air missiles.

F8U–2N: This high performance, supersonic, limited all-weather fighter is called the Crusader. It is an improved version of the F8U–2 aircraft. Its relatively low cost permits the Navy to obtain a greater number of fighters within the funds allocated for this purpose.

HU2K–1: This is a carrier-based helicopter powered by a single-turbine engine that is used for search and rescue purposes. Its greater range and increased lifting ability will provide the fleet with a search and rescue capability superior to that provided by earlier helicopters.

HSS–2: This carrier-based, all-weather helicopter is for antisubmarine warfare use. It is powered by twin turbine engines and has improved detection and attack capabilities.

HUS–1: This helicopter is intended to meet the vertical assault requirements of the Marine Corps. It is of the troop-carrying type.

P3V–1: This is a land-based aircraft that is used in antisubmarine warfare. This larger antisubmarine warfare aircraft provides more space for the complicated equipment required, and it provides better working conditions for the crew.

S2F–3: This type is a carrier-based tracker aircraft that works off carriers with antisubmarine helicopters to locate and destroy enemy submarines.

GV–1. In-flight refueler transport (assault): This is a combination troop transport and refueling type now being operated by the Marine Corps. It is in production and immediately procurable. Its intended

use is by fleet tactical support squadrons to provide transport services to destinations and for purposes not served by Military Air Transport Service. It is comparable to the C–130 that is procured by the Air Force.

Missiles

The bill provides authorization of appropriation for the procurement of Navy missiles in the amount of $262,200,000. This would be in addition to the $606,400,000 previously authorized for this purpose in 1962. Missiles procured under this authorization are used in the Marine Corps air program in addition to that of the Navy. A brief description of the missile types to be procured with appropriations based on this authorization follows:

Sparrow III: This is an air-to-air missile of the all-weather type. It will be a primary weapon for the F–4H fighter. The Navy considers the Sparrow III as its only true all-weather, air-to-air missile and is enthusiastic about its versatility.

Terrier: This is a surface-to-air missile that is suitable for installation on cruisers, carriers, and frigates. It can accommodate a choice of warheads.

Tartar: Tartar is a surface-to-air missile that is designed for installation on destroyers, escorts, and as a secondary battery on cruisers.

Talos: This is the largest of the Navy's surface-to-air missiles and it has the longest range. It can carry either a nuclear or a conventional warhead.

Bullpup: This is the Navy's only air-to-surface missile. It is used for the close support of troops. Its commendable features include accuracy, reliability, and its being relatively inexpensive.

Sidewinder 1–A: This is an effective air-to-air missile that is in production and is immediately procurable. It is less sophisticated than the improved version, Sidewinder 1–C, but it is also less expensive.

Sidewinder 1–C: This is an improved version of the Sidewinder 1–A that is somewhat more expensive and cannot be procured in large quantities as quickly as the 1–A.

AIR FORCE AUTHORIZATION

Aircraft

The bill provides authorization of appropriations for the procurement of Air Force aircraft in the amount of $294,100,000. This authorization would be in addition to the previously approved authorization of $3,841,200,000 for Air Force aircraft. The aircraft that would be procured with appropriations based on this additional authorization are described below:

C–130B: This is a long-range, high-speed, turboprop transport aircraft for the strategic airlift of personnel and material. Deliveries from it are by parachute drop or by assault landings. The C–130 is the key support aircraft in the composite air strike force of the Tactical Air Command. This type can operate from hastily prepared landing sites and from dirt, gravel, or sand areas in support of Army assault operations.

C–130E: This is an improved version of the C–130B. The principal difference in the two types is that the C–130E has a greater range.

F–105D: The F–105D is designed to provide both the performance and the versatility needed in a modern fighter. It has good low-speed handling characteristics for effective close support of ground troops. At the same time it has the necessary speed for an air superiority fighter.

Guided air-to-air rockets: These are air-to-air nonnuclear rockets of the Falcon and Sidewinder types. They would be required in large numbers for defensive purposes in a nonnuclear engagement.

Missiles

The bill provides authorization of appropriations for the procurement of Air Force missiles in the amount of $8,800,000. This authorization is in addition to the $2,792 million previously provided for appropriations for this purpose in 1962. The entire amount of the additional authorization is intended for the procurement of the Bullpup missile, a tactical air-to-surface missile developed by the Navy that is used by tactical fighters for the destruction of pinpoint targets in support of ground troops. It is relatively inexpensive.

DEPARTMENTAL RECOMMENDATION

Printed below and hereby made a part of this report is a letter from the Secretary of Defense dated July 26, 1961, indicating that this authorization is a part of the legislative program of the Department of Defense and that it is in accord with the program of the President.

THE SECRETARY OF DEFENSE,
Washington, July 26, 1961.

Hon. LYNDON JOHNSON,
President of the Senate.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation to authorize additional appropriations for aircraft, missiles, and naval vessels for the Armed Forces, and for other purposes. This proposal is a part of the Department of Defense legislative program for 1962, and the Bureau of the Budget has advised that the legislation is in accord with the program of the President.

In essence, the legislation would provide for additional authorization of appropriations in each of the categories of aircraft, missiles, and ships for each of the military services in the amount of new obligational authority being requested for such purposes as a result of revisions in the defense programs and corresponding amendments to the budget submitted to the Congress by the President.

The total amount of additional authorization being requested is $958,570,000. The amount of $41,600,000 "For naval vessels: For the Navy" is to cover the fire damage on the aircraft carrier U.S.S. *Constellation* which occurred at the New York Naval Shipyard on December 19, 1960. The request for a supplemental appropriation for this item was included in the President's message to the Congress of July 12, 1961, House Document 210.

Representatives of the Department of Defense will be prepared to furnish such information as the committee may desire with respect to this matter.

Sincerely yours,

ROBERT S. MCNAMARA.

Mr. DIRKSEN. Mr. President, may I ask a question?

Mr. RUSSELL. Yes, indeed.

Mr. DIRKSEN. From the report, I gather that there is sufficient authorization for all purposes except for the $958 million authorization contained in this bill.

Mr. RUSSELL. The Senator from Illinois is correct. There is no necessity for specific authorization of appropriations for ammunition, let us say, or for the purchase of artillery or for the purchase of machineguns. Military hardware of that type does not require specific legislative authorization in each instance. Under the law—section 412 (b); as it is commonly called—only missiles, aircraft, and naval vessels require specific authorization. For that reason, this bill authorizes the appropriation of $958,570,000 out of a total of $3.4 billion sought by the President.

Mr. DIRKSEN. And the rest of the authority already exists, does it?

Mr. RUSSELL. Yes, it already exists.

Mr. ELLENDER. Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. I am glad to yield to the Senator from Louisiana.

Mr. ELLENDER. After this authorization bill is enacted, how much money does the Senator from Georgia anticipate will have to be provided the Armed Forces for the current fiscal year?

Mr. RUSSELL. I do not have those totals here; but they are in the vicinity of $47 million. I can get that exact figure in a moment.

Mr. ELLENDER. Will it be about $47,500,000?

Mr. RUSSELL. Yes, somewhere in that range.

Mr. ELLENDER. Did the committee receive any testimony during hearings on this bill assuring us in any way that our allies of Western Europe will shoulder their fair share of the free world's defensive burden?

Mr. RUSSELL. We went into that with the witnesses who appeared before us. The witnesses who made appearances were the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. Speaking for myself, I can say only that their suggestions as to the additional assistance we might expect were exceedingly disappointing to the Senator from Georgia.

I may say however, that is nothing new. We have been through three or four of these crises, two, at least, over Berlin, and one or two others in other parts of the world; and in each instance we have been the nation that has provided the military sinews to avoid a war. I cannot assure the Senator from Louisiana that we had any testimony that would cause any great enthusiasm over the contributions that might be expected from our allies in NATO.

Mr. ELLENDER. I am certain the Senator from Georgia is familiar with the efforts put forth by some of us in attempting to have our allies in Western Europe contribute their just share of men and military hardware. Up to now we have not succeeded, as the Senator knows.

Mr. RUSSELL. As the Senator from Louisiana knows, we have no authority to force them to contribute.

Mr. ELLENDER. I understand that.

Mr. RUSSELL. I have favored putting limitations that would encourage them to do so on some of the tremendous sums of money that we have made available for some of our allies in the effort to preserve freedom on this earth. The Senator will remember the very earnest, but unsuccessful, fight that I made to thwart the decision of the State Department that the Germans should not contribute anything for the maintenance of American troops on German soil. I have never been able to understand the philosophy of the State Department in matters of that kind. We were paying many millions for defense there, and the State Department did not want the Germans to make even the modest contribution of several million dollars by way of food and building materials for our troops.

I have the specific information for the Senator from Louisiana now. The pres-

ent budget, including this most recent authorization, is approximately $47½ billion for all of the military functions for the Department of Defense, including civil functions. In addition to that, there is the military assistance program of almost $2 billion that will be on the floor in a few days, which makes a grand total——

Mr. ELLENDER. How about military construction?

Mr. RUSSELL. That is included.

The total is almost $50 billion, including the military aid features of the foreign-aid bill.

Mr. ELLENDER. Mr. President, if the Senator will indulge me to make a few additional comments on this subject, I wish to say that for the past number of years every time the Congress begins consideration of appropriation bills, both for the armed services and foreign aid, some earth-shaking crisis has always developed.

I hope that the President knew what he was talking about and was fully informed as to the true situation in West Berlin when he addressed the Nation a few days ago.

I must confess, however, that the situation described by the President, with all of its implications, had the familiar ring of a story that has been told and retold to us each year for the past several years. Whether by accident, or coincidence, or design, these crises seem to develop and increase in intensity just at the time when Congress is considering appropriations for our military and foreign-aid programs. From such crises, the buildup develops for greater demands and more effort on our part to assist our friends across the seas.

The time is long past for us to force our allies to live up to their commitments. We have met ours far beyond our promises and pledges, and my fear is that if we continue to go forward and virtually take over the duties and responsibilities of defending Western Europe, particularly West Berlin, that our allies will continue to assume that Uncle Sam will take care of them in any emergency.

I fear that if we continue to increase our defense spending, triple our draft calls, and call out the National Guard, the Reserves, that may have a tendency to lull our allies and keep them from doing what they should do. In other words they will wait for Uncle Sam to again shoulder the burden. It strikes me that the President and his advisers should be able to devise some way by which we can get our allies to contribute their just share in this battle against communistic aggression, not only in men but in materiels of war.

As I have pointed out on many occasions, the sad story is that our allies are making very little effort to supply us with implements of war. It will be remembered that some time ago the British tried to finalize their Blue Streak missile, which they had been working on for some time. After they spent about $180 million on that project, they gave it up because it cost too much money. During one of my inspection trips abroad, I was told the position taken was, "Why should we do it when Uncle Sam is going to provide us with the necessary weapons?"

I hope some efforts will be made now to force our allies to do their share.

If they do not see a threat to their security, and we do, somebody is wrong. In my travels in Europe last year, I heard less war talk in Western Europe than I have here in the United States. Why that is, I do not know, but the people of Western Europe do not seem to be as concerned as we are about the dangers that face the world, as was stated by our President a few nights ago.

I repeat that we cannot keep on spending borrowed dollars and sending our troops abroad unless we get aid, both financial and in terms of manpower, from our allies.

What would happen if the Russians were to strike in Western Europe tonight? The United States has 5½ well equipped and trained divisions there but our allies have only a very few. Thus the vaunted shield against aggression which was what NATO was to be is revealed to be a hollow shell. This is so not because we have not lived up to our commitments, but because our allies, those who should be most alarmed, have not lived up to theirs. I hope that our President will bear this in mind in days to come.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HUMPHREY. The record is that the administration has been acting with reference to our friends of the NATO allies. The Secretary of Defense only recently was in Western Europe and met with his associates and counterparts in France, West Germany, and Great Britain. A meeting is scheduled to be held on August 5 by the Ministers in Paris. A meeting of NATO is scheduled for next week. There will be a series of meetings.

The New York Times of this morning carried a story that West Germany is contemplating calling up 20,000 additional reservists. They are bringing this to the attention of the NATO Council meeting which is scheduled for next week.

I feel, of course, that we must ask our allies to do their fair share in terms of the NATO structure. The NATO structure has been left to drift somewhat. Since we abandoned the Lisbon goals in 1953, after the meeting in Lisbon in April 1958, and decided to let down at that time, there has been some drifting away from the goal of strength of our NATO organization. But I do believe President Kennedy's speech on the threat in West Germany and Berlin has aroused interest sufficient to strengthen the entire NATO alliance.

I realize that we have done a great deal, but the leaders usually do more than those who follow. That is a part of being a world leader. As a matter of fact, we must expect to do it.

It is not easy, but a country cannot be a leader of the free world unless it is willing to pay the price. We are paying the price.

If there is ever a struggle, which pray God, there will not be, our friends and allies in Western Europe will feel the full impact of the battle, as well as we.

How many divisions are there in western Germany? Six?

Mr. RUSSELL. More than that.

Mr. HUMPHREY. I mean U.S. divisions.

Mr. RUSSELL. Five regular divisions and some nondivisional elements.

Mr. HUMPHREY. There should be more than that under the NATO alliance.

Our French allies have been in serious trouble for 20 years.

Our British ally is in deep financial trouble. The West Germans can and will do more. I do not wish to condemn our allies at the very time we need them.

I think what the President is doing, what Mr. McNamara is doing, what Mr. Rusk is doing—what these men who are entrusted with responsibility are doing—is the proper thing to do. They are appealing for more cooperation, rather than chastising. I think this is the way to proceed.

I should like to ask a question of the distinguished Senator from Georgia. With the amounts of money contemplated under the authorization, when will we feel the effect of the expenditure of the money in terms of strengthening our security forces?

Mr. RUSSELL. I should think that would be felt in some areas in the immediate future. For example, there is a determination of the administration to fill up the three training divisions which are now skeltonized. I should think the draft calls would be increased the next time a requisition is made by the Department of Defense on the Selective Service System.

Undoubtedly some specialists who are in the Reserve forces will be called up at the same time. These men have peculiar skills or training that cannot be developed in the ordinary period of "boot" training.

Mr. HUMPHREY. What will be the effect on the weaponry, on aircraft and vessels?

Mr. RUSSELL. We are keeping in active service a number of naval vessels we had planned to put into mothballs. The requirements for the increase of the Navy will be felt almost immediately in some areas.

Very frankly, the Defense Department has not reached a firm decision yet as to when to call up any of the National Guard units or when to call up any of the Reserve units as complete units. It will be necessary to call up some individuals, but no firm determination has been made as to when the National Guard and Reserve organizations as such will be ordered to active duty.

Mr. HUMPHREY. The point I was interested in is this: The new weapons to be purchased under the authorization are not weapons in the prototype stage now?

Mr. RUSSELL. They are not.

Mr. HUMPHREY. They are weapons ready to be produced?

Mr. RUSSELL. As I stated in my explanatory statement, brief as it was,

this money will be used largely to purchase weapons which are already in production. In a great many instances we will not acquire more modern weapons because we do not have time to wait for them.

Mr. HUMPHREY. As I understand the situation, the B–47 aircraft, some of which were to be taken out of service, will be kept in service?

Mr. RUSSELL. Many of them will be kept in service.

Mr. HUMPHREY. What about the new rifle, about which we have heard so much?

Mr. RUSSELL. We are procuring those rifles about as rapidly as it is practicable to do so at this time. There is ample money in the budget to buy new rifles.

There is under discussion in the Department of Defense now the question of the advisability of opening an entirely new plant to produce the new rifles and machineguns. The new rifles are being delivered now at a rather rapid rate. Some of the people connected with our Military Establishment are not convinced that the new rifle is going to be as accurate in all respects as the M–1. It may be that some units will prefer to use the M–1. However, we are getting the M–14's in impressive quantities.

Mr. HUMPHREY. The Senator has been quite generous in yielding time. I have one more question. The reason I ask these questions is that the American people know there is usually a long lead time involved in buying new items.

Mr. RUSSELL. That has been largely avoided in respect to the items for this special procurement order. We are buying what can now be produced in large quantities.

Mr. HUMPHREY. This authorization will have an immediate effect in strengthening our forces?

Mr. RUSSELL. It will. I believe that every item authorized under the bill is now being produced.

Mr. HUMPHREY. I add one word. On my short trip to Berlin I had the privilege of meeting with the American, British, and French commanders, and talking with some of our military officials in NATO. I think the American public ought to know that those forces are highly trained. Their morale is excellent. There is no better morale anyplace than that of the troops in the small garrison of West Berlin. The troops to be found in Western Europe, 200,000 plus, are tough troops. I refer not only to the infantry, but also to the specialists in air power and in the NATO forces. Those men are trained to a razor's edge. They are in good physical condition. From what I understand, they are in the best of condition, in terms of tactics and strategy, that our staff people have been able to design.

Mr. RUSSELL. Mr. President, there is no doubt that the five divisions and the nondivisional units of American troops in Europe are the finest on earth today. No other troops are better equipped. No others have been more highly trained.

Those are the almost six best prepared divisions in existence today. I do not think there is any that can surpass them. The only difficulty is that there are not enough of them. They are excellent troops.

Mr. ELLENDER. Mr. President, I hope that my good friend from Minnesota was referring to the American troops.

Mr. RUSSELL. He was.

Mr. ELLENDER. And not the other troops.

Mr. HUMPHREY. The others are pretty good troops, too.

Mr. ELLENDER. Where does the Senator get his information?

Mr. HUMPHREY. I have talked to our people, who have information about this.

Mr. ELLENDER. The Senator talked to our military missions, no doubt.

Mr. HUMPHREY. I say, most respectfully, I am not in the business of trying to downgrade, for example, the toughness of the French troops. They are good soldiers.

Mr. ELLENDER. That is correct, for those in Africa.

Mr. HUMPHREY. There are some good soldiers in Europe, too. I am not in the business of trying to downgrade our British allies, nor our West German allies. They need reassurance from the American people and from the American Congress that we expect them to do their part. They will, and we know they will, do their part.

This is what we mean by an alliance. The Soviet Union would like nothing better than to have doubt spread among us as to the reliability of our allies. This U.S. Senator thinks our allies are reliable. I am not going to say anything which would make anybody believe our allies are not reliable. I think the Germans, the French, the British, the Scandinavians, and others whose land is immediately adjacent to the Soviet Union have everything in the world to work for and to fight for. I do not believe they have ever demonstrated cowardice or incompetence. In fact, the armies of Western Europe have demonstrated great proficiency in the field of battle. There is no reason to believe they are less proficient today.

I think the Senator from Georgia is correct in saying that perhaps our alliance is not as strong as we would like to have it. It has not been as strong as we would like perhaps partly because of a lack of proper leadership on our part. Regardless of who is at fault, that is in the past, and we must think in terms of how to strengthen our alliance. I feel that the best thing to do is what the Senator from Georgia is now doing, with the dispatch which he and his committee have shown in presenting the bill, which is nothing short of remarkable. We should get on with the job, and at the same time we should express a word of confidence first in our defense officials who have been doing a good job, and second in our allies.

Let Mr. Khrushchev pick out the weak spots if he can. We are always telling him things we ought not be telling him, anyway. Most of them are not true.

Let us cite the record of what we have, which is something strong and something to rely upon.

I thank the Senator from Georgia. I appreciate the courtesy he has extended to me.

Mr. RUSSELL. Mr. President, I should like to make a few comments, but I yield at this time to the Senator from Connecticut [Mr. BUSH] who is an able member of the Committee on Armed Services. Then I will yield to the Senator from New York.

Mr. BUSH. Mr. President, I thank the distinguished chairman of the committee. I rise to support the Senator in his recommendations this afternoon.

I wish to point out, Mr. President, that the question about our allies comes up from year to year. It is asked, "Why do our allies not do more?" And so forth and so on. I think we have to get away from the psychology that we are in the position of supporting our allies. That is not the position I conceive the United States to be in today. We are in the position of supporting the United States. Our allies are in the position of supporting us as much as we are in the position of supporting them.

But what is Russian propaganda directed at day after day after day? It is not directed against France, Britain, or Germany, whose forces are rising, and whose power has been on the increase year after year. It is directed against the United States. Where are the Chinese Communists directing their venom? They are directing it at the United States of America. So it is our fight. What we want to do is not to take the position that we are merely strengthening our allies. We want to take a position that will induce our allies to strengthen us and to get behind our leadership—a leadership which we did not seek, a leadership which has been thrust upon us by the sequence of events. We have had no choice but to accept that leadership. We are like a fullback on a football team who can kick, run, and pass. We are the "big guy" on the team, and we need by our performance on the team to inspire the confidence of our allies so that they will support us as much as we expect to support them.

So I plead with the Senate to take a favorable view of both of the bills on the basis that it will be our example and our performance that will hold the confidence of our allies and inspire them to do more for the alliance than if we would take the view that we can hang back and then expect them to come up and do more and more, because we are doing less and less. It will not work that way. I strongly support the chairman in his recommendations this afternoon.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield briefly to the Senator from New York. I have a few comments I wish to make on my own time, but I yield to him.

Mr. JAVITS. I would not ask the Senator to yield if I did not feel that there is something affirmative that should be stated. I should also like to ask a question of the Senator.

I thoroughly support what the Senator is doing today, and I join with the Senator from Minnesota [Mr. HUM-

PHREY] and the Senator from Connecticut [Mr. BUSH] in their commendation of him and his committee for the alertness and initiative which has been so quickly manifested. I think we are leading from strength. We are now approaching the point where we must be sure that Mr. Khrushchev and everyone who knows and who has dealt with us understands. We are leading from strength.

I point out to the Senate that it is not proposed that we spend an undue amount for defense, even with the amount that the committee has asked us to authorize. We are spending slightly over 9 percent of our gross national product for national defense. In 1953 we spent 14 percent of our gross national product for defense. Our gross national product was then smaller, and we did not go broke at all. On the contrary, we went on to a tremendously prosperous period in the period after 1958.

From 1955 to 1957 expenditures for national security averaged 11 percent of our gross national product. It seems to me that the figure which we are being asked to vote now, because we are leading from strength, is therefore an entirely manageable one for us.

I should like to state the documents to which I have referred. They are not mine. First is a report of the Joint Economic Committee on the "Study of the Employment, Growth and Price Levels, Study paper No. 18, National Security and the American Economy in the 1960's," and the quotation is at page 68. There is also the report of the CED entitled "The Defense We Can Afford." The quotation is at page 8.

I should like to ask the Senator a question. Is it a fact that under the authorization bill we would implement an additional—I shall not say new or modern—an additional concept of the military posture of the United States in that we would give greater conventional combat effectiveness to our forces, especially our forces' position in Europe?

Point 2 of the same question is this: Is it not a fact that whatever may be the ultimate shape of the military resistance that we must take if we are to defend Berlin, the token of that resistance, the start of that resistance, the initial impact upon us will have to be in the conventional types of warfare and the forces that we have stationed there now, whose effectiveness is to be materially buttressed by this type of appropriation?

Mr. RUSSELL. Practically all—at least 99 percent of the additions that the President requested is for military hardware that can be used in waging what we call conventional warfare. A great deal of it is to replenish supplies and ammunition that have run low. Some of it is for conventional arms in the hope that we will not have a nuclear war. This is to make up for the weakness we have had in the ability to wage a conventional war. For my part I do not think that we should create the impression anywhere that we will limit ourselves to a conventional war if Russia were to strike. If we do, we shall have limited ourselves in the field in which they are strongest. We could not possibly match Russia man for man.

The bill would provide a better mix in military weapons and would enable us to have a more flexible military posture to defend our rights all over the world.

Mr. JAVITS. Would the chairman of the Committee on Armed Services, for whom I have the highest regard in this field and in many others, I might say, agree with me that the other side of the coin is that we dare not, at a time like this, let Khrushchev feel that the only thing in which we could engage would be atomic war?

Mr. RUSSELL. Of course not. We were pretty well boxed in until recently.

Some of our leaders made statements that America under no circumstances would be the first to use atomic weapons. We gave Mr. Khrushchev an enormous advantage over us, particularly in the maneuvering around Berlin, because he has 30 or 40 divisions in East Germany and 125 additional divisions in Russia which could be brought to the front. We have had only the equivalent of 6 divisions in Europe and there are 3,000 miles of ocean to cross in order to get additional troops there; we have few divisions here that are ready to go.

So we had almost committed ourselves to playing this deadly game of warfare according to the rules that Khrushchev would write exclusively, and in the formulation of which we would have no part, when it was indicated that we would not be the first to use the atomic weapons.

I am not advocating nuclear war here, but I am not advocating laying aside any weapon that may be necessary to use in order to preserve the security of the United States.

Mr. JAVITS. If I may paraphrase what I understand to be the Senator's expert views, the situation is that, having spoken up, we are putting up in the very terms in which we have spoken.

Mr. RUSSELL. Mr. President, I wish to make one or two comments on the question of our allies. We do not want to be too critical of our allies. They have problems that we do not have. We may have some that they do not have. But I do not think that there is anything improper in urgings by the Secretary of State, the President of the United States, and the Secretary of Defense that our allies strengthen their military posture all around the world. I hope they will do so. As the Senator from Minnesota [Mr. HUMPHREY] has said, the Secretary of Defense has recently returned from a visit to Europe with the Chairman of the Joint Chiefs of Staff, where he sought to expedite the efforts on the part of certain of our allies. If they will not do so, we would not have any alternative; we would have to do it ourselves. But the alliance is a mutual one; it is supposed to be and is a mutual endeavor. We hope that when Mr. Khrushchev frowns and rattles his missiles and puts on his air shows that our allies will also take steps to show that the entire free world is prepared to respond to his challenge wherever he may choose the battleground and whatever weapons he may use.

As I said, we have no alternative.

I hear the question raised in the committee of which I am chairman and in the Committee on Appropriations every time we meet: Is there not a great deal of waste?

Mr. President, there is. Hundreds of millions of dollars have been wasted. Where shall we draw the line between that which is wasted and that which serves a useful purpose? I remember when we built the B–36's. There was great complaint that this plane was expensive, and we were ordering many of them. The B–36's were bought, were placed in operational units, and effectively performed their function. They have since been replaced by bombers with greater performance characteristics.

One might say that all that money is gone and not a single B–36 is in operation. However, that was insurance on world peace and the security of the United States, and that certainly far exceeded whatever one of these planes cost. We cannot draw a line of demarcation, Mr. President. Of course it is true, as is said, that we should get as much as possible out of every military dollar. I am reminded, in that connection, of a story told about an old mountaineer, who came out of the mountains and down into town. A feud had been going on for some time between his family and another family. He walked into a hardware store and said, "I want to see one of those new Winchester rifles."

So the storekeeper brought one of the Winchester rifles out and showed it to this old mountaineer. He looked it over and he said, "She sure is a beauty, ain't she? She sure is a beauty. What does the gun cost?"

He was told that the rifle cost $65.

He said, "That's too much money." He handed the gun back and started to walk out of the store. At the door he turned around and said, "Give me that gun. I'll take her anyhow. I'd rather have her and not need her, than need her and not have her."

That is my position with respect to the military posture of the United States.

Whatever else we may do by way of legislative authorization or appropriation for any purpose, in the last analysis everything depends on having a military force that can keep the world's peace and which, if some madman insists on war, can destroy him.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CURTIS. I wish to commend the distinguished chairman of the Armed Services Committee on his statement, as well as on his constant patriotic dedication to his responsibilities as chairman of the committee. I especially concur in what he has said about the use of weapons, and that we should not tie our hands, but to use anything that is necessary for the defense of our country. I also wish to commend the Senator on his urging that our allies be urged to increase their appropriations.

For several weeks the distinguished Senator from Arkansas [Mr. McCLELLAN] has presided over his committee in exposing the lag in missile production. I do not wish to speak too long on the Senator's time or to endeavor to place the responsibility as to who caused the lag. However, somebody did, and it is there.

Would not the distinguished Senator say that at this time, when we are going to call on the taxpayers and on our reservists and draftees and National Guardsmen for greater effort, it is time for whoever is responsible for the lag, to put away, in reference to this lag, any complacency and failure to perform to the full extent of their ability and responsibility?

Mr. RUSSELL. In my view, any individual, whoever he may be, and whatever his relationship may be to the defense program, and who has any responsibility thereto, who for selfish purposes would delay the advancement of the weapons we need for our national defense, is not only participating in an act of national disgrace, but is also participating in a form of treason to the United States.

Mr. CURTIS. There is one thing Congress cannot do by an appropriation act, and that is assure honesty and character and patriotism and dedication on the part of our citizens.

Mr. RUSSELL. No; that is a matter that must be generated in the minds and hearts of men. I hope that there is authority somewhere to separate from any connection with the program those who are deliberately dragging their feet for selfish purposes.

Mr. CURTIS. The Senator from Nebraska will present legislation to do that. I should like to make this point, and I am sure the Senator will concur in it. While it is necessary to make authorizations and to provide appropriations, and to call up more men, nevertheless, even after having done that, it does not provide total security for our country unless all of our citizens assume their responsibility on their job, whatever the job happens to be.

Mr. RUSSELL. I agree completely with the Senator. I may say that in the early days of making appropriations for World War II, after we had passed the first Draft Act, I was appalled at a hearing of the Committee on Appropriations to hear testimony from a representative of the Navy Department to the effect that a firm in this country had refused to produce 6-inch naval rifles which were necessary to arm some vessels under construction, because there was not enough profit in that operation as compared with what the firm was doing, and the firm would not change its system for an order of reasonable size.

At that time I proposed legislation on an appropriation bill, over which we had quite a bit of controversy, to provide that the Government of the United States in a circumstance of that kind could take over the plant and operate it itself. For my part, I would be willing to vote for an act that would make every citizen of these United States responsible to step in and serve where he could best serve in time of national danger, whether he was the owner of a plant or operated a lathe. I believe in universality of service in defending the United States.

Mr. CURTIS. I would like to add this note—and I am sure the Senator concurs—that I have absolute confidence in the great majority of businessmen and the great majority of the rank and file workers.

Mr. RUSSELL. The heart of America is sound.

Mr. CURTIS. Some are the victims of a leadership that is not sound, and sometimes it is promoted by greed. I hope it is never for lack of patriotism. However, whatever it is, they have not always led their workers or the business groups in the direction that is for the good of the country, although I believe the vast majority are not in this class.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield to the Senator from Oklahoma.

Mr. MONRONEY. I wish to join Senators in commending the distinguished Senator from Georgia and his committee on the speed and expedition and scope in reporting the pending bill today, to what I hope will be unanimous passage.

As the chairman knows, I have been long concerned over the inadequacy of our airlift. I have frequently called the attention of the Senate to this deficiency. The distinguished chairman has helped materially in trying to correct it. We have done so. We have placed an order for a billion dollars' worth of a very fine, newly designed aircargo plane, the C–141. However, the delivery date on that plane is in the future. We face a crisis which is real and imminent, and which, from where I sit and from what I have learned of this subject, will be very important if we are forced to use military strength to maintain the rights of the free world in West Berlin. I am concerned because of the late delivery of the planes. It will be October or November 1965 before they can be delivered and used to carry our troops.

I have talked in recent weeks with Air Force officials, and I have called their attention to the fact that we have several C–124 planes, the old Globemasters. It is a great airframe. However, due to the inadequacy of the motors, they are no longer being manufactured. These planes can be put into readiness with turboprop motors, to replace the old low power motors, and these planes can be put into operation within a short period of time for an investment of only a million dollars on motors.

It would require a small wing fix. The major part of the work would be to replace wornout motors of the C–124's. Another useful aircraft which can be converted for military use and which is in plentiful supply is the DC–7. A test of air cargo carriers has proved that plane to be an excellent commercial cargo workhorse. It is now selling at below a million dollars, coming off the line. Through conversion by strengthening the floor of the plane, by widening the door, and beefing up the landing gear, it will become an immediately usable airlift plane. The cost of these planes within 30, 60, or 90 days would be $1 million or $1,100,000.

Also, several hundred KC–97's, the old Globemaster tankers, are now being phased out because of the advent of the new KC–135 jets, which the National Guard is getting. Beefing up and strengthening the C–97's will provide an airlift capacity of tremendous value.

Because of the immediate necessity to provide equipment and facilities for getting there "fustest with the mostest," in case a crisis should confront us in Berlin, does the language contained in the bill, providing for the procurement of aircraft, missiles, and naval vessels, in the amounts contained in the bill, provide also for the conversion or modernization of goods, usable aircraft for further duty?

Mr. RUSSELL. The Senator knows there are some Air Force Reserve flying units which are equipped with C–124 aircraft.

Mr. MONRONEY. Yes.

Mr. RUSSELL. I am frank to say I do not know whether those planes have been overhauled, as the Senator suggests they should be. But if the request of the Department of Defense for a transferability clause in the appropriation bill is granted, the Department would have ample authority to modernize those planes later.

Mr. MONRONEY. Or any other planes?

Mr. RUSSELL. Or any other planes. So the amounts contained in this authorization would not necessarily be limiting.

Mr. MONRONEY. No authorization is required for overhaul funds. This is more than overhaul, because it means a program of new motors and wing fix. The same planes would otherwise have been useless.

Mr. RUSSELL. The bill contains an authorization for $75 million for spare parts for the maintenance of planes.

Mr. MONRONEY. Is it the opinion of the chairman that funds will be provided either in this authorization or in the regular maintenance bill for the maximum utilization of Air Force air materiel, and that the Air Force may make use of planes which it has on hand through such modernization as will provide the maximum usability of the planes?

Mr. RUSSELL. It is always dangerous to predict what a committee will do, but a request has been made of the Committee on Appropriations that the bill contain a provision for transfer ability under certain limitations, so as to give enough flexibility to permit the work the Senator suggests. I, as a member of the committee, intend to support that provision. As to what the remaining members of the committee will do, I do not venture to say.

Mr. MONRONEY. I hope that provision will be supported. This is one of our points of great weakness. It is important that the Government get the maximum benefit out of existing equipment which can be rendered usable for the emergency.

Mr. RUSSELL. The Senator from Oklahoma makes a strong case for the C–124. They are now regular equipment. If those units are in need of modernization, as the Senator so effectively alleges, the Department of Defense certainly should proceed to make certain that they are placed in a condition to perform their maximum mission.

Mr. MONRONEY. I thank the distinguished Senator from Georgia for his comments.

Mr. CASE of South Dakota. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. I am glad the distinguished chairman of the committee has mentioned the B–36 as illustrating the value of equipment which, in some instances, may never have engaged in a war, but yet may have served a very useful purpose.

At the time the B–36 was phased out, I commented that it was a plane which had served its purpose without ever having gone to war. I feel that it was the guardian of the world's peace during a very critical period and perhaps justified its existence fully as much as either the B–17 or the B–24 or——

Mr. RUSSELL. The B–29.

Mr. CASE of South Dakota. Or the B–29. The B–17 and the B–24 in the war in Europe and the B–29 in the final stages of the war in the Pacific.

I think the B–52, in the years following the B–36, has been serving an equally useful purpose. We should look upon these planes as providing a useful service, even if they are not used in war.

With respect to the items which are included in the procurement bill, I wish to make this observation. The distinguished chairman and many other members of the committee have said we ought not to handicap ourselves by saying we will not use any particular weapon. Any weapon in our arsenal ought to be used for the particular task for which it was created, and for which it was placed in the arsenal. At the same time, it should be noted—and I believe the country should understand—that many of the items for which the bill now provides authorization for procurement are intended to give us a choice of weapons. Many weapons are intended to give us a capability, so that we would not be forced to use a shotgun if a small rifle would be better. Such weapons are intended to give a varied capability to meet the kind of challenge which may confront us in any particular theater.

Secretary of Defense McNamara several times during the hearings used a phrase which I think should be understood by the country as a whole. He said we ought not to be forced into a nuclear war by our inability to fight a nonnuclear war. That is an utterly sound philosophy. The items, as I have heard them discussed in committee, which are proposed to be procured by the authorization here, will implement that philosophy. They will give us a choice of weapons designed to meet the particular problem which may confront us at any point.

With the chairman's indulgence, I wish to make one or two other observations. I should like to say to the Department of Defense that in all the procurement under the authorizations of the bill, I hope they will use competitive bidding wherever that is possible; and that where it is found to be impractical to use competitive bidding because of the urgency of getting a particular item, or because of the inability to get competitive bidding because of a limited number of bidders, or perhaps because of the production of an item as to which there is no cost experience, the Department will make the fullest utilization possible of the renegotiation process under the Price Adjustment Board.

As the Senator from Georgia knows, I have been much interested in the whole process of renegotiation, from the time it was set up in the sixth supplemental defense bill in the spring of 1942. It has proved to be a useful device to control prices and to promote the saving of money for the Treasury.

Mr. RUSSELL. The distinguished Senator from South Dakota was the author of the first renegotiation provision. Through that act and subsequent renewals and modifications, hundreds of millions of dollars have been recaptured and turned back to the Federal Treasury.

Mr. CASE of South Dakota. I appreciate the observation made by the chairman of the committee. He knows the history of our attempts to control excessive profits in the defense field as well as or better than any other Member of Congress.

With respect to competitive bidding, the chairman might be interested, as may other Senators, to know that competitive bidding on the second Minuteman installation has resulted in a bid $10 million below estimates. Just yesterday, figures were made available to me on the bids which were opened on the second Minuteman installation. In round figures, the estimate of the engineers of the Air Force was $66 million for this particular installation, for the group of sites involved.

The low bidder bid $56 million. That was Peter Kiewit & Co., a recognized competent bidder. The next bid was $58 million by, I believe, Morrison-Knudsen. The next bid was $59 million by the Utah Construction Co. The fourth bidder, a Texas firm, bid $62 million or $63 million.

In any event, competitive bidding in that instance will be a saving to the Government of at least $10 million below the estimates on this Minuteman installation. All four bidders were outstanding bidders in this field and have a record of good production.

The possibility of saving $10 million in this instance is just as important to the country as a saving of $10 million in any other field. We should get our full value for defense dollars when we spend them, as we do in any other field.

I thank the Senator from Georgia for yielding.

Mr. RUSSELL. I wish to associate myself with the Senator's statement with respect to competitive bidding. That procedure should be utilized in every instance where it is possible. There are some cases in the developmental stage or in research and development where it is not practicable to use formal advertising.

But I do think the Department of Defense has utilized the loopholes to abandon the competitive bidding system in some cases where it should have been followed; and I agree with the Senator from South Dakota that in every instance in which it is practical to do so—on every contract of any size and any nature—when competitive bidding can be used, the contracts should be awarded in that fashion.

Mr. CASE of South Dakota. With respect to the area in which research or development is involved and when there is no cost history, so that competitive bidding cannot be used, I trust that the Department of Defense will not overlook the possibility of expediting production, inasmuch as in the bill there is some authorization of funds for that purpose. But where we expedite the production with Government tools or facilities, there, too, renegotiation offers the possibility of taking into consideration the difference between the cost of production in a plant owned by the contractor and the cost of production in a plant owned by the Government, or when the tools are furnished in part by the Government. Such cases avoid the necessity of dealing strictly on the basis of an incentive profit in connection with the ordinary negotiations. Renegotiation offers a possibility of making a saving by means of making a proper allowance for the use of Government-owned facilities and tools.

Mr. RUSSELL. I agree with the Senator from South Dakota.

Mr. PROXMIRE. Mr. President——

Mr. RUSSELL. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. I understand the bill will increase this authorization in the amount of $958,570,000, which, when added to the amount already authorized—approximately $794 million—will total the $1,753 million the President requested for procurement in his message.

Mr. RUSSELL. That is correct.

Mr. PROXMIRE. I understood the Senator from Georgia to indicate this authorization is largely for weapons of the type used for conventional warfare, that can be mass produced—such as normal ammunition and aircraft that already have been developed and proved.

Mr. RUSSELL. Most of them are under order and production now. This increases the amount.

Mr. PROXMIRE. Yes.

I was very much shocked by the appearance last June, before the Procurement Subcommittee of the Joint Economic Committee, of which I am a member, of Assistant Secretary of Defense Morris, a very fine and able man, because he told us that cost-plus contracts had increased from about 13 percent in 1952 to 42 percent of all procurement contracts today. I asked him to give us the details on that point; and he showed

us that whereas they amounted to about 13 percent in 1952, they amounted to 20 percent in 1953, 24 percent in 1955, and they exceed 42 percent today.

I asked for an explanation; and the explanation given is, in part, as follows:

COST REIMBURSEMENT CONTRACTS

A summary of cost-reimbursement contracts of $10,000 or more by program category in fiscal year 1960 is submitted herewith. Similar data for earlier years are not available.

It will be noted that of the total of $9 billion in cost-type contracts, 91 percent was in four categories of procurement: Aircraft, missiles, electronics and communications equipment, and services.

The aircraft, missile, electronics and other end-item categories include research, development and test work in those programs.

The services category includes research and development not chargeable to any one of the other listed programs, and technical services, such as the operation and maintenance of missile test ranges, warning and communications networks, and medical care for military dependents, which must be procured on a cost-reimbursement basis. Of the $1 billion in cost-type service contracts, 80 percent has been identified with these types of services.

In addition to research, development, and technical services, cost reimbursement contracts are necessary in the procurement of specialized types of military equipment if the design has not been fully developed, if firm specifications cannot be established, or if there has not been sufficient quantity production of the item to provide an adequate basis for determining a reasonable price at the time of the contract award.

The direct influence of expanding weapons development programs is reflected in the increase in cost-reimbursement contracts not only since Korea but also during the Korean war period. At that time, cost contracts increased from $3 billion in fiscal year 1951 to about $6 billion in fiscal years 1952 and 1953. The percentage of cost-type contracts, however, increased only from 13 percent to 20 percent, because at the same time that new weapons development was being accelerated, weapons of standardized design were being put into quantity production.

The value of actual deliveries of completed hard goods items and spare parts in fiscal year 1953, the last year of the war, was more than $22 billion, including $7 billion in the aircraft program, $2.8 billion in ammunition, $2.3 billion in tanks and other combat vehicles, $1.4 billion in trucks and other noncombat vehicles, $1.4 billion in production equipment, and $2.6 billion in miscellaneous types of hard goods. Production in these orders of magnitude clearly involved a large proportion of standardized products adaptable to fixed price contracts.

This situation has been completely reversed and the nature of the military weapons acquisition program has drastically changed in the period since Korea. Instead of volume production of standardized aircraft, tanks, trucks, rifles, and ammunition to support forces in combat, the major effort has been to develop and produce modern and completely new weapons that take full advantage of the unprecedented rate of advance in science and technology.

One concrete illustration of this is that the volume of military research and development contracts more than doubled in the 4 years from 1956 to 1960, from $2.4 billion to $5.6 billion.

Mr. President, I ask unanimous consent to have the remainder of the document printed at this point in the RECORD.

There being no objection, the excerpt from the statement was ordered to be printed in the RECORD, as follows:

Furthermore, in order to gain time, production work on many major weapons has been started before development work has been completed. To permit incorporation of current technological developments, designs have not been frozen, and extensive product improvement and model changes have been frequent. In these circumstances, it has not been possible to predict costs at the time of award, and it has been necessary to use cost reimbursement contracts for production as well as development and test models. These circumstances occur most frequently in missile, electronics, and aircraft procurement, which account for most of the cost reimbursement contracts

Statistics on contract awards in these categories were available for the first time for fiscal year 1955. As shown in the following table, the increase in procurement in the aircraft, missile, electronics, and services categories has paralleled the increase of $5.7 billion in cost reimbursement contracts since 1955. Missile and electronics procurement alone increased more than $6 billion in this period, while there were small decreases in the aircraft and services categories.

The net expansion in this group of programs, the shift to increasingly complex weapons, and the telescoping of development and production to step up operational readiness dates are the factors that have accounted for the increase in the dollar volume and the percentage of cost reimbursement contracts.

Net value of military prime contract awards of $10,000 or more (excluding intragovernmental)

[Dollar amounts in thousands]

	Fiscal year 1955		Fiscal year 1960		Increase or decrease	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
All military procurement	$14,951,971	100.0	$21,181,486	100.0	+$6,229,515	0.0
Aircraft	5,320,894	35.6	4,815,706	22.7	−505,188	−12.9
Missile systems	802,040	5.4	5,067,205	23.9	+4,265,165	+18.5
Electronics and communications	1,182,514	7.9	3,092,080	14.6	+1,909,566	+6.7
Services	1,804,410	12.1	1,756,916	8.3	−47,494	−3.8
Subtotal	9,109,858	61.0	14,731,907	69.5	+5,622,049	+8.5
Ships	630,357	4.2	1,030,365	4.9	+400,008	+.7
Ordnance vehicles and related equipment	1,602,020	10.7	1,097,931	5.2	−504,089	−5.5
All other	3,609,736	24.1	4,321,283	20.4	+711,547	−3.7
Cost reimbursement contracts	[1] 3,295,468	[1] 24.1	9,021,723	42.6	+5,726,255	+18.5

[1] Petroleum procurement and Army oversea procurement not available in fiscal year 1955. The 24.1-percent ratio is taken against a net total of $13,661,308,000. Cost reimbursement type contracts are very small in both of these categories.

Source: Office of the Secretary of Defense, June 29, 1961.

Use of cost reimbursement type contracts, by procurement program, fiscal year 1960

[Dollar amounts in thousands]

Program	Total	Cost reimbursement		Cost reimbursement	
		Amount	Percent of total	Amount	Percent
Total, excluding intragovernmental orders and actions of less than $10,000 each	$21,181,486	$9,021,723	42.6	$9,021,723	100.0
Major hard goods (subtotal)	15,103,287	7,734,240	51.2	7,734,240	85.7
Aircraft	4,815,706	1,493,225	31.0	1,493,225	16.6
Missile systems	5,067,205	4,234,173	83.6	4,234,173	46.9
Ships	1,030,365	184,072	17.9	184,072	2.0
Tank-automotive	483,969	38,304	7.9	38,304	.4
Weapons	124,709	35,233	28.3	35,233	.4
Ammunition	489,243	307,137	62.8	307,137	3.4
Electronics and communications equipment	3,092,080	1,442,096	46.6	1,442,096	16.0
Services	1,756,916	1,030,677	58.7	1,030,677	11.4
All other (subtotal)	4,321,283	256,806	5.9	256,806	2.9
Subsistence	533,325	1,638	.3	1,638	(1)
Clothing, textiles, and equipage	182,271	2,988	1.6	2,988	(1)
Fuels and lubricants	1,162,860	5,545	.5	5,545	.1
Miscellaneous hard goods	996,510	230,756	23.2	230,756	2.6
Construction	1,446,317	15,879	1.1	15,879	.2

[1] Less than 0.05 percent.

Mr. PROXMIRE. Then Mr. Morris emphasized that they have been purchasing completely new weapons. Bids on such weapons, even estimates, are very hard to obtain. Also it has been necessary to permit additional research, test models, and so forth, which are extremely expensive.

In view of the fact that the use of cost-plus contracts has been justified because the weapons were not mass produced and not conventional, and that the pending authorization is for weapons that are mass produced and are conventional, does not the chairman of the committee agree that the performance of the De-

fense Department with respect to procurement of weapons herewith authorized might well result in a far smaller proportion of cost-plus contracts or nonreimbursement contracts?

Mr. RUSSELL. I would be very much surprised if any substantial number of cost-plus contracts were awarded for these items.

I may say to the Senator from Wisconsin that I have discussed this matter on several occasions with the Secretary of Defense, who is an extraordinary man in many respects.

Mr. PROXMIRE. He is, indeed.

Mr. RUSSELL. And I am convinced that he will be most prudent in handling these items that do not lend themselves to the bid method. There are very few in this bill that do not lend themselves to procurement by other than cost-plus contracts; and I think the Senator from Wisconsin will find that there will be a substantial decrease in this percentage, under the administration of Secretary McNamara.

Mr. PROXMIRE. I am very much encouraged by the Senator's statement.

I hope we can have some followup, so the Congress and the public can be reassured about this matter. We have been told over and over again that more competitive bidding is intended to be used. I understand, however, that the competitive bids constitute approximately 13 percent of the total—a relatively small part of all procurement contracts.

Mr. RUSSELL. That is due to two reasons: One was that for a time the bulk of procurement money was being used for missiles, on which the Department did not have specifications, and therefore they did not use formal advertising.

I agree with the Senator from Wisconsin that formal advertising and the low-bidder process should be utilized in every instance in which it can possibly be utilized without jeopardizing the availability and utility of the weapons procured.

Mr. PROXMIRE. I wonder whether the Senator from Georgia feels that there is any way in which the Congress can follow this up, by demanding reports on specific contracts, or something of the sort, so we can have a record in justification of the fact that there has been this steady, relentless drive toward the use of more and more cost-plus contracts. The increase in their use is most understandable, because of course the large contractors want to have cost-plus contracts, for under those circumstances they cannot fail to obtain profits, regardless of waste and inefficiency.

I believe the Senator from Georgia was one of those who commented on the disgraceful waste at Canaveral, where there were shocking overpayments, obviously under cost-plus contracts.

Mr. RUSSELL. Those were not the only instances.

Mr. PROXMIRE. Yes.

Mr. RUSSELL. Let me say to the Senator from Wisconsin that last year we appointed a subcommittee of the Armed Services Committee that held exhaustive hearings in this area, and formulated a large number of recommendations. Practically every one of those recommendations has now been implemented by the Department of Defense; and I shall be happy to see that the Senator from Wisconsin receives a copy of those recommendations and information on what the Department of Defense has done. We are very well aware of the wasteful nature of procurement when bidders are restricted—not only a waste in dollars, but also an opportunity to play favorites for any number or variety of reasons. We have sought by every means at our command to reduce it to a minimum. I believe we are making some progress.

Mr. PROXMIRE. Are cost-plus contracts subject to renegotiation?

Mr. RUSSELL. Yes; they are.

Mr. PROXMIRE. I thank the Senator from Georgia. I shall look forward most enthusiastically to receipt of the information to which he has referred.

Mr. KEATING. Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. I yield.

Mr. KEATING. Mr. President, I wish to extend my commendations to the chairman of the committee and to the other members of the committee for the tremendous speed with which they have acted on this complicated matter. It is a sobering experience to be on the floor of the Senate today to participate in the vote on such a measure.

In particular, I wish to commend the distinguished Senator from Georgia for the very balanced way in which he has dealt with our allies. I have served with soldiers of Britain and soldiers of France, and I know something about the soldiers of Germany, and I know that as soldiers, they are very fine. On the other hand, some of the politicians in those countries, in my judgment, could probably do more than they are doing to face up to this threat. Some of them seem to me imperfectly unaware of the international threat that we face—less aware, perhaps, than our own President and our own Congress.

I commend heartily and enthusiastically the fine address of the President. This Congress is going to back up, to a man, in my judgment, what he has requested. Both in manpower and in military hardware, our defense position must be strengthened to meet the new shape of the Communist menace on Berlin.

The President has the support of the Nation in his determination to stand firm over Berlin. And, much as we may all regret it, the only way to stand firm is to mean what we say and to be ready for the worst. There are alternatives to nuclear war, and I think the President is right in providing increased ground forces and conventional weapons for a flexible basis for policy. On the other hand, unless we evidence our readiness as the last resort to use our nuclear powerhouse, the Soviets may still feel that they can push us into a corner.

As a part of the President's program for stepped-up defense, I would have liked to see an announcement of the decision to resume nuclear testing. No other single gesture could so well demonstrate our convictions over Berlin. Certainly if the Soviet Union does not adopt a more conciliatory position in the near future, this decision, now long overdue, should be made without further delay. Otherwise our own troops may find themselves facing Communists armed with neutron bombs or other advanced weapons which we have not been able to develop adequately because of the test ban.

Mr. RUSSELL. In my opinion, when the appropriation bill reaches the President's desk, it will have more in it than the President has requested.

Mr. KEATING. I am quite sure that will be so. Earlier this year we authorized $525 million more than the President requested for long-range bombers.

Mr. RUSSELL. That was the largest item I had in mind.

Mr. KEATING. I think we moved wisely when we did that. I do urge that our allies can, and in my judgment should, do more than they are doing in this field.

Finally—and I apologize for intruding on the time of the Senator—I think this brings us to two other points.

First, in view of the tremendous size of the military budget and especially the procurement budget, it is more important than ever that the funds made available be spent wisely and economically. We are all indebted to the senior Senator from Delaware for the diligent oversight which he maintains in this field. Just recently he revealed, from a report of the Comptroller General, that the Air Force alone in just 1 fiscal year wasted about $6.7 million, merely because no adequate inventory of equipment was kept. In other words, the Air Force just did not know what it already had so it went out and bought some more.

Better management methods are necessary throughout the Department of Defense, but above all, in the actual procurement of materials the Defense Department must use more competitive methods. In formally advertised actions, this means a lot of attention to the drawing up of specifications so that all qualified firms will know what is wanted and unqualified firms will be discouraged. In negotiated actions, decisions must be made squarely on the merits of the products and not on personal ties or geographic proximity of companies. With the increased funds available, and the additional strain on our whole economy, it is all the more important that every penny appropriated buy its honest share of work and equipment.

Second, the authorization of $1 billion that we shall be voting in a few moments means that we must tighten our belts on some of the other programs, desirable as they may be, and much as we may want them, if they are not absolutely essential for the strength of our country and the happiness and security of our people. We must give such programs a

second thought. What the distinguished Senator is presenting to us here today is not going to be the end of additional expenditures caused by the men in the Kremlin and those who would like to defeat us. We must not undermine our Nation's economic strength by unnecessary spending which could lead to a dangerous inflationary spiral. There is still a long road ahead and we must not allow ourselves to get out of breath economically.

The Senator from Connecticut said Mr. Khrushchev was aiming at the United States. That is true. He is also aiming at the alliance between the United States and the other friendly countries. He is seeking to destroy that alliance. That is why at this time we can urge our allies to do more, but we must be very careful that we respect their viewpoint and work together as a team.

Mr. RUSSELL. I thank the Senator for his comment. I may say that a friendship is very fragile, an alliance is on quicksand, if the various members of the alliance cannot discuss frankly necessary contributions for the common defense.

I have no inclination whatever to offend any of those associated with us. As the Senator has well said, both England and France have a tradition of military service and valor that reaches back into the recesses of unrecorded history. Nobody knows better than the people of the United States of the valor and the fighting ability of the Germans. What we want to do is to get more of those traits, and get more training. It so happens that, so far as I recall, Turkey is the only nation that requires 2 years of training, as we do. The Germans require 12 months. The Belgians require 8 months. The English no longer have a draft. I am not being critical of them. I am saying, if we are in trouble it is time for all of us to tighten our belts and move forward toward the supreme objective of seeing that freedom is not lost in the human family.

Mr. STENNIS. Mr. President, I, too, commend the chairman of the Armed Services Committee for the splendid work he has done in putting the program together and for the fine dispatch—as is usual with him—in bringing it to the floor of the Senate.

I wish to make a few remarks with reference to the contribution we are making to this added program and the general program, and say something with reference to what our allies are doing.

I hope these measures will be passed unanimously. They certainly have, and have had, my unlimited and active support. We need not fool ourselves, however. They carry large burdens for our people. These measures involve billions of dollars, they are pitched together, and relatively scantily considered. The expenditure of that money will burden our economy. It will be reflected in the next budget, too. Somebody is going to have to pay the taxes. Possibly the service of every man now in the service will be extended, and he will be subject to call, under various conditions, for 1 year. A great many men will be brought under military service who would not otherwise be called. So, having willingly done this, are we in a position to ask, what about the others that are on the same side and the same predicament we are in coming along a little stronger and doing a little more on their part?

I think this is something that the legislative branch of the Government should express itself on more frequently, in a proper way, of course, with the greatest deference for our allies, and with the finest respect for the individual fighting soldier in our allied forces. They are fine. This is no criticism of them whatsoever.

What I am interested in is that we must impress Khrushchev with the fact that we mean business. I think the passage of these two measures will do just that. But I think it would impress him much more if our allies also stepped up their programs, so that they might assume some of the burden in money and men.

The President of the United States has spoken as to our position on Berlin as well as other crises. Our Nation, our people stand solid and united behind that position.

Our men now in the service will rise to the occasion in every way. Others that are called will gladly serve. The Congress will overwhelmingly pass these bills and provide the money and the manpower to implement this added program, and our other large military programs throughout the world will be supplied.

If the West is going to impress the Soviets as to our serious purposes, we must not only be united, but we must show a willingness to meet any situation. As we further prepare ourselves, let us look to the situation as to our Western allies.

We have done a mighty piece in behalf of the preparations of the free world for combat against the forces of tyranny. Others have done something, too, but last year the United States delivered $750 million in military equipment to our NATO allies, in addition to a $90 million payment to a common fund for operation and maintenance. And in the last 10 years the United States has delivered over $15 billion in military equipment to our NATO allies.

We have lived up to our NATO commitment of Army divisions very well. We have five divisions fully manned and well equipped, in addition to enormous defense expenditures and contributions to NATO. In addition, as already mentioned, we have the equivalent of another division there in special military teams. That means another division ready for action.

As a matter of fact, we spent $46,532 million on defense in calendar year 1960, which is 9.3 percent of the gross national product—a percentage substantially above that of any of our NATO partners.

In every way that we can, as I shall show, we have done more than our part. But I repeat, Mr. President, we cannot do it alone.

I repeat, we cannot go it alone, for although we have commitments to NATO, we also have commitments worldwide, improvidently, or not. We have many commitments and we have just started to implement our forces.

Wherever one goes one finds the United States committed—by the Rio Pact for the defense of the Americas; by the Anzus Treaty for the defense of the down-under countries—in Japan, in Korea, in free China. And I repeat, we are just starting our great buildup.

Let our allies know that as we send men and ammunition into Europe, as we shall continue to do, that it is not they alone we must help protect. And let them compare what they have done against what we have done to protect their rights as free individuals.

It was only a few days ago that Secretary of Defense McNamara headed a special mission to NATO to elicit an increase in the military and financial contributions of the other NATO nations.

Mr. President, this is a problem about which many of our military leaders are greatly concerned.

We spent 9.3 percent of the gross national product for defense in calendar year 1960. France, although it was at war in Algeria, spent only 6.8 percent, while West Germany with unprecedented national prosperity, spent 4.4 percent.

That is not the whole comparison. That is not the entire picture. That is true, Mr. President, but those fine people have had a wonderful recovery to their present prosperity. Certainly they are involved. As the Senator from New York pointed out, I believe the individuals are entirely willing to firm up in money and in manpower, and even in more training, if necessary, although those men are as fine soldiers as ever wore shoe leather. It is the Government and the leaders generally who are not pressing as much as they could at this time.

Mr. President, let us consider the question of conscription.

It should be noted that Germany, Belgium, and Denmark have conscription for a period of only 12 months.

It has been said on the floor this afternoon that the Russians are not after these people but are after us. Of course Khrushchev is after us. He is after these people, too. He would like to have them. He would like to have something to say about the output of their industries. He is holding onto every square foot of East Europe he can. Of course these people are involved. I am sure they know it. We are all involved. We are all in this situation together. We must work together and fight together. Especially in view of the burdens we have around the world, as to which we can expect scant help, I think it is absolutely imperative we let it be known clearly and fairly, but constructively, that we expect a harder contribution.

England ended conscription in 1960, and will release all remaining conscripts by the end of 1962.

I simply cannot understand, Mr. President. If the danger is as great as we think it is, why do those closer to it fail to recognize it? Why do they relax to that extent?

Our fine neighbors to the north, the Canadians, are wonderful people. Their

dollar has been called stronger than ours in recent years. The last time I went to Canada, I received only 95 cents for my dollar. The Canadians have no conscription law at all. I do not say that in criticism of them. They may have no need for one. I am sure their forces are of high quality.

Let us take the question of manning of the NATO divisions. Obviously, of extreme importance, exact information as to the manning of these divisions is classified, but it may be said that the United States is well above the average of about 75 percent.

We cannot have it both ways.

We cannot have all of the soft; we must have some of the hard.

We cannot live off the fat of the land at home and continue to pour funds into a huge military effort.

I do not think we are able at this time to assess the burden in additional taxes which have to be levied, but our defense budget has spurted up enormously and there can be no question that a tax increase or some forms of savings related to taxes such as plugging the tax loopholes may be in the future.

In fact, I know there is no question. Speaking for myself, I think we should make a diligent effort to save all or a part of the necessary funds elsewhere. If we do not, then we should face the line and vote for additional taxes to pay the bill. Simply appropriating the money and spending it without providing for payment is acting in another way which will fail to impress Mr. Khrushchev with our determination.

Furthermore, Mr. President—and this is a matter of deepest concern to me—I do not see how we can impress Mr. Khrushchev with our serious intentions of actually building up our military forces in Europe for the purpose of action, if necessary, if we send additional men there who take their wives and children with them or continue the present practice of taking more dependents to Western Europe.

This has nothing to do with the fine dependents as individuals. I have been among those who have had the privilege of helping to provide facilities there. We have provided fine schools, recreation halls, gymnasiums and all the other things which go to make the living fine. They deserve it. It is a great morale factor in anything like ordinary times.

The more of those dependents who can be in Europe, the better the morale of our soldiers and other servicemen is in anything like ordinary times. However, it seems to me if we send more men to Europe and claim to be "beefing up" and strengthening our military power in Europe, if we at the same time continue to permit dependents under those circumstances, it is like waving a flag and saying, "We do not intend to fight, or otherwise we would not be bringing dependents along."

That is simply commonsense. I do not see how we can expect to impress our adversaries in this most serious time unless we have a firm policy, at least on a temporary basis.

I understand there has been no decision to discontinue taking dependents to Western Europe even though more than 400,000 are already there. If we continue taking more dependents to Europe, this would be an unmistakable sign to Khrushchev that we do not intend to engage in battle.

Mr. President, these words are intended to be constructive. I totally disagree with the concept of the Senator from Minnesota, who suggested that anyone who might bring these things into question was tending to condemn our allies. We believe in our allies. We wish to strengthen our allies and the effectiveness of our allies. Particularly at this time we wish to impress our adversaries with our strength and our willingness to sacrifice. We are pumping plenty of it into these bills, for our own people to demonstrate. We want Mr. Khrushchev to take notice of it. We want him to take note of our concern for the strength of all of our friends, for a unity and solidarity extending to every ally, even the smallest. All of these are nations of responsibility and of the very highest quality.

Mr. President, I hope the bill will pass by a unanimous vote. I hope the appropriation bill which will follow, which is being written up as we deliberate over this bill, will carry provisions to implement the program to the utmost. I hope it will be a new start and a new signal worldwide which will add to our strength and effectively serve warning to the world. In those ways only I believe we can get results.

I think we already have great military striking power with a worldwide effectiveness on any target that might be selected. I do not discount the problem. I believe the big problem before us now will be to convince the world that we are willing to use that power rather than merely to continue building it up. As I have said, I am glad to support the bill, and I hope that both measures will pass by unanimous vote.

Mr. DIRKSEN. Mr. President, 3 weeks ago Mr. Menshikov, the Soviet Ambassador, is alleged to have said to a representative of a Washington newspaper that he did not believe this country was willing to fight. I believe that we should demonstrate to Mr. Menshikov, as well as to Mr. Khrushchev, that we are willing to fight and that we are willing to act when the circumstances call for it. I think in order to get the ball rolling, so to speak, and vitiate that idea if it has any currency in this country or in the world, we ought to show that the Senate is unanimous in its support of the program. I therefore ask for the yeas and nays on the pending bill.

The yeas and nays were ordered.

Mr. SALTONSTALL. Mr. President, I have been attending a meeting of the Committee on Appropriations, which is considering an appropriation for the Defense Department, so I have not been able to be present in the Chamber.

I join with the chairman of the committee, the distinguished Senator from Georgia [Mr. RUSSELL], in supporting the bill. I heartily approve of it. We have had long discussions with the Secretary of Defense concerning the measure, and I hope that it will pass unanimously.

PROPOSED BARRIER DAM AT RAINBOW BRIDGE NATIONAL MONUMENT—A WASTE OF OVER $25 MILLION

Mr. BENNETT. Mr. President, the Congress last year wisely decided that it should not build barrier dams outside of the Rainbow Bridge National Monument. In fact, the public works appropriation bill specifically prohibited the expenditure of funds for such purpose. This action was taken first of all because professional geologists and engineers conclusively demonstrated that any water backed up from Lake Powell would not structurally damage in any way the Rainbow Bridge. Secondly, the barrier dam or dams would cost a minimum of $25 million to protect a bridge which needs no protection. Thirdly, it was shown that the construction of these dams would desecrate and invade a magnificent wilderness area. And, lastly, Congress received an on-the-ground report from then Congressman, now Secretary of the Interior, Stewart Udall strongly recommending against construction of such dams.

In spite of the overwhelming arguments against construction of the barrier dams, certain nature groups are still zealously endeavoring to invade the monument area with a dam at so-called site C. Some weeks ago I received a pamphlet written by Arthur B. Johnson, entitled "Some Dam Facts About Protecting Rainbow Bridge." The pamphlet was sent to me by one of the nature groups. Mr. Johnson contends that the barrier dam at site C could be built for less than $8 million, evidently hoping to show that less money would be wasted than the Bureau of Reclamation has estimated after careful, detailed engineering studies.

However, I asked the Bureau of Reclamation to carefully analyze the Johnson pamphlet. In response to this request, I received a three-page letter from Commissioner of Reclamation Floyd Dominy. Mr. Dominy indicated that he referred the Johnson report to his Assistant Commissioner and Chief Engineer for review and comment. The conclusion of these experts is that the barrier dam at site C would cost $25 million, exclusive of access. Moreover, construction would take 3 years and could not be finished at an earlier date as Mr. Johnson believes.

Thus, the barrier dam at site C would cost $25 million, and access to the dam might cost several millions more. So it is apparent that the taxpayers are being asked by the nature groups to waste a minimum of $25 million on an unneeded dam which would violate a magnificent, untouched wilderness area. Moreover, the Bureau of Reclamation contemplates completion of the Glen Canyon Dam in 1962 and initial storage prior to the 1963 flood season. Power

would first be produced when the first power units become available in June 1964. Even if the Bureau started construction of a barrier dam at site C immediately, initiation of power generation would be delayed by at least 1 year because storage could not be started at the time now scheduled, in order to avoid flooding site C.

Although the Bureau of Reclamation officials feel that they must recommend some type of barrier dam in order to comply with the Upper Colorado River Storage Act, all of the reasons for refusing to construct the site C dam also apply to the dam at site B. In my opinion, Congress should affirmatively meet the question of backing water into the Rainbow Bridge National Monument by passing my bill, S. 1188, which would remove the limitation in the Colorado River Storage Act and would make Rainbow Bridge a national park. Alternatively, if the nature groups are worried about precedents, then it could be made a national recreation area or turned over to the State of Utah for a State park. If these measures fail, then Congress should again refuse to appropriate the funds for this wasteful project.

I ask unanimous consent that the letter which I have received from the Bureau of Reclamation appear in the RECORD following my remarks. I also ask unanimous consent that an editorial from the Salt Lake Tribune for July 25, 1961, entitled "Time To End Rainbow Bridge Dispute," be included in the RECORD following my remarks. The Tribune believes as I do that the proposed barrier dams should not be built and that Congress should deal affirmatively with the existing legal requirements.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D.C., July 19, 1961.

Hon. WALLACE F. BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: This is in response to your letter of July 5, 1961, enclosing a copy of a letter dated June 26, 1961, which you received from Arthur B. Johnson, president of the Federation of Western Outdoor Clubs. Mr. Johnson urges that a barrier dam at site C be constructed for the protection of Rainbow Bridge National Monument from waters in Lake Powell. He asserts that this can be done for less than $8 million.

A joint report prepared by the regional directors of the Bureau of Reclamation and the National Park Service found that an earth barrier dam at site C would need to be 350 feet high above streambed compared to one of about 183 feet at site B. The higher dam would, of course, require a much larger volume of embankment materials, and in view of the difficulties involved in obtaining them from remote sources would make construction of this dam more costly. Also, the streambed foundation at site C is about 140 feet below the elevation of the dead storage capacity of the reservoir to be created by Glen Canyon Dam. This situation would delay the initial filling of the reservoir. In the case of site C, the entire sediment and debris load of Bridge Creek would be deposited at the head of the constant level pool created by the barrier dam. In addition, the presence of water impounded on both sides of a barrier dam at this site introduces difficult design problems.

We forwarded Mr. Johnson's report to our Assistant Commissioner and Chief Engineer for review and comment. He points out that our engineers are, of course, well aware of the rock-fill dams cited by Mr. Johnson. However, he advises that the combination of rugged topography, quality of rock and other materials available, and access difficulties at site C would make construction of a rock-fill type of dam at this site far more costly than any dam cited by Mr. Johnson.

The rock at the damsite in the upper part of the dam is Navajo sandstone, a rock that is massive in place but which breaks down to a fine sand when it is excavated or dislodged. It has a low strength when compared with most rock that has been used for the construction of rock-fill dams, and the slopes of the dam therefore need to be somewhat flatter. Beneath the Navajo sandstone, Kayenta shale is encountered; although less pervious, its other properties are considered inferior to those of the Navajo sandstone.

An acceptable damsite on the basis of a narrow crosssection can be found almost anywhere in the canyon. But the rock is extensively jointed and in only very few places is there a reach sufficiently free of such jointing as not to impose a major problem in foundation treatment for the prevention of leakage and prevention of falling rock on workmen engaged in construction. When these factors are considered the difference between Mr. Johnson's estimate of 3½ million cubic yards and the Bureau's estimate of 5 million cubic yards disappears.

In addition to inspection of aerial photographs, Bureau engineers also made field inspections of all likely soil deposits including excavation of test pits in the more promising areas. Our investigations show that the volume of alluvial deposits in the valley floor were disappointingly small. Although some material can be obtained by breaking down rock from the canyon walls, there are limitations on locations of quarry sites without danger of clogging the stream. It was concluded that the most practical source of impervious material was on mesa located about 1,400 feet above and about 3½ miles from the site.

In selecting the magnitude of facilities needed to control streamflows during construction, we seldom assume flood risks of less than once in 25 years. However, this matter is left primarily to the discretion of the contractor as he must bear the risk. It is our opinion that an informed contractor would not consider Mr. Johnson's proposed 8-foot-diameter pipe as providing adequate protection. Our estimates of construction time are based upon demonstrated actions of contractors. With the confined working area at site C and difficult access, it is believed that only a limited amount of equipment and manpower can be used efficiently. If a requirement should be established to complete the job on an expedited schedule, normal costs will greatly increase by reason of overtime payments and inefficient use of equipment.

The Bureau has considered alternative means of access to the area such as barge, roads, and helicopter. We have considered also alternative possibilities of construction of a concrete dam.

The model referred to in the Bureau's 1959 report, mentioned by Mr. Johnson, has been completed. This model shows the geography in the vicinity of the park. It is not intended to be used as a basis of studying design details.

In view of all circumstances considered, we continue to support our estimate of $25 million exclusive of access for cost of a barrier dam at site C with normal construction time of 3 years. We believe that Mr. Johnson's estimate of $10 million for 1-year construction period is unrealistic. In addition to design and construction features already discussed, it appears that he has used a series of low-bid prices for each item of work and has not considered the overall cost of the dam. Contractors have their own systems of appraising costs of performing work and seldom do we find agreement among them on unit costs of each item although there may be close agreement on the total estimated cost of building a dam. It does not appear that Mr. Johnson has made adequate allowances in his unit prices for the differential between work in an area difficult of access by comparison with bids on work at more readily accessible sites.

Our present schedule for Glen Canyon contemplates initial storage prior to the 1963 flood season and initial power operation when the first power units become available in June 1964. If we should start immediately to build a barrier dam at site C, initiation of power generation would be delayed by at least 1 year by reason of not initiating storage at the time now scheduled to avoid flooding site C.

In view of all these findings, we still believe that the plan with a dam at site B is the most practical and plan to proceed with construction at this site as soon as the Congress appropriates the funds.

Sincerely yours,

FLOYD E. DOMINY,
Commissioner.

[From the Salt Lake Tribune, July 25, 1961]

TIME TO END RAINBOW BRIDGE DISPUTE

Congress should heed the plea of Reclamation Commissioner Dominy and end the dispute over building a barrier dam to prevent water backed up by Glen Canyon Dam from invading Rainbow Bridge National Monument.

Mr. Dominy told the House Public Works Appropriations Subcommittee that present law requires construction of works to protect the monument from intrusion by Lake Powell, which will be created by Glen Canyon Dam. He warned that preservationist interests may seek injunctions to halt completion of the dam or fully utilizing it if the law is not complied with or changed.

Following the law, the Reclamation Bureau has requested $10 million to start protective barricades this year. (The total cost will be many times that figure.) Dominy expressed the view that water entering the monument will improve the access to the hard-to-get-to scenic area and will cause no damage to famous Rainbow Bridge.

Congress should act this summer to amend the statute requiring the protective works since recent studies have indicated they will be a "cure worse than the disease."

One Congress is not bound by the decision of a previous one but laws remain on the statute books until they are repealed or amended. In removing the barrier dam requirements of the upper Colorado River program, Congress could adopt a strong statement that there is no intention to invalidate or weaken the "natural" concept of national parks. After all, national parks and monuments have been set up under a variety of conditions and rules, some in effect being exempted from the rigid provisions of the organic law, at least temporarily. An exemption in one case does not break down the sanctity of the whole national park system.

We are convinced, however, that a matter of honor is involved and that it is wrong to avoid the present legal requirements of the upper Colorado program simply by failing to appropriate funds for the protective works.

Interior Secretary Udall has proposed that the Rainbow Bridge National Monument be enlarged from the present 160 acres to 10 or 13 square miles and be administered as a remote or wilderness area. This plan apparently would attenuate the need for the Rube Goldberg type dams originally proposed under the law and permit natural sedimentation to take place in the canyon beneath the arch.

Some ardent preservationist spokesmen are holding out for a barrier dam known as site C, about a mile from the Colorado River and 4 miles from the bridge.

This site originally was considered so inferior to another site by planners and engineers that no accurate cost estimates now exist. The project would be expensive, however, and the protection it would offer would be temporary and questionable.

Secretary Udall was quoted while on a tour of the area last May as convinced that the controversy had been narrowed down to two alternatives: Site C barrier dam or nothing. He previously had indicated he favored doing nothing—thus avoiding scarring the area and the huge expense involved.

Secretary Udall should make a specific recommendation to guide Congress on this matter. He commented last May that "it appears we may already have run out of time to build at site C." But the legal requirement has not run out, nor the possibility of injunction suits, nor the matter of honor.

BERYLLIUM—VITAL METAL OF THE SPACE AGE

Mr. BENNETT. Mr. President, yesterday marked an important event in the Nation's space program. Today, as a result of a long period of research, the United States is at last free from dependence upon foreign sources for one of the most vital metals of the space age, beryllium.

Beryllium is one of the rarest and most valuable substances in the world, far more precious than such metals as gold and platinum. The reason for this is its extremely high melting point—2,345°—which makes it the only metal which can be used for missile nose cones.

If beryllium were available in larger quantities, its use would permit major breakthroughs of many areas of aviation and other fields of science, since in addition to its high melting point, it is also amazingly light, strong, and durable.

Yesterday a ceremony was held in Utah at which Vincent A. Duff, president of the United Technical Industries, made a special presentation to Gov. George D. Clyde, of Utah, commemorating the development of one of the world's most important deposits of beryllium in southwest Utah. Development of this find and the perfecting of the process to permit extraction of beryllium-oxide from the clays of southwest Utah means that today for the first time, the United States is no longer dependent upon Mozambique, South Africa, and Brazil for the supply of beryllium ore.

The scarcity and value of beryllium can be illustrated by the fact that if beryllium were used for airplane construction, the total world supply in known deposits outside the United States would produce only three aircraft. Total production of beryllium metal today would be barely sufficient to produce one airplane.

Utah, which has played such an important role in the Nation's atomic program because of the vast deposits of uranium ore in southeastern Utah, is honored to play the leading role in the development of this even rarer and more precious substance. The team of geologists, mineralogists and other scientists who have been working under the direction of United Technical Industries to develop Utah's beryllium industry is to be commended, and I am sure that the Members of the Senate will be interested to know of this encouraging breakthrough in an important science of the space age.

A PLEA FOR AN ADMINISTRATION POLICY ON SUGAR LEGISLATION

Mr. BENNETT. Mr. President, representing a State which produces a substantial sugarbeet crop, I was very disappointed in the recent announcement by the Secretary of Agriculture that the administration will not recommend any sugar legislation in the current session of Congress.

The need for a reallocation of the former Cuba sugar quota is very great, since this could be an important factor in the agricultural economy of a number of our States which produce either cane or beet sugar, and I think it is unfortunate that the administration is delaying a decision on this matter. As a result of the administration's indecision, producers of both cane and beet sugar are left up in the air as to how to plan for the coming year.

The indecision of the Democrats in the field of sugar legislation has long been a sore point with the producers of sugar in this country. It will be remembered that when former President Eisenhower urged that the law be changed so that he could cut back the extremely generous quota which was going to Communist Cuba under the Sugar Act, the Democratic leadership of Congress refused to give him this authority, delaying more than a year before granting part of what the President asked. Likewise, Congress long refused to give President Eisenhower the authority he requested to cut the Dominican Republic sugar quota.

There is still time for action on this important legislation, and I am hopeful that Agriculture Secretary Freeman will reconsider his decision to postpone action on this question which is so vital to sugar producers throughout the United States.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. I join in the expression of the Senator from Utah that we should not leave the subject of sugar legislation until next year, with all the international confusions which exist now. I hope that there will be a recommendation of the type indicated by the Senator, and that we shall be able to consider proposed legislation on this subject at this session.

Mr. BENNETT. I appreciate the comments of my friend from Florida. He will remember the number of times in the recent past when proposed sugar legislation has been considered in election years. But the point which I have stated adds another factor in the difficulty of getting the legislation through promptly.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. CURTIS. I commend the distinguished Senator from Utah on his position. In order that Congress may legislate properly, it is important that the legislative process proceed as quickly as possible and that it be scheduled so that both Houses will have ample opportunity for hearings and for discussions, to the end that our people may be served and there will be ample time for producers, processors, and the consuming public to participate in formulating a good sugar program that will not be a temporary or an expedient measure, but one that can be acted upon soon and extended over a long period to permit for growth.

Mr. BENNETT. Mr. President, there may have been an argument that we could not take up sugar legislation until we had made sufficient progress on the farm agricultural program of the new administration. By this time most of that work has been done. There is still an opportunity between now and the adjournment for the House Committee on Agriculture to hold further hearings on the sugar program. A very brief hearing was conducted in the House earlier. I hope that the Secretary of Agriculture and the chairman of the House committee will realize the seriousness of the problem and make room for it on the Calendar.

AUTHORIZATION OF ADDITIONAL APPROPRIATION FOR THE ARMED FORCES

The Senate resumed the consideration of the bill (S. 2311) to authorize additional appropriations for aircraft, missiles, and naval vessels for the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Oklahoma [Mr. KERR], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PELL], and the Senator from Massachusetts

[Mr. SMITH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Oklahoma [Mr. KERR], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PELL], the Senator from Massachusetts [Mr. SMITH], and the Senator from New Mexico [Mr. CHAVEZ] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent because of death in his family.

The Senator from Indiana [Mr. CAPEHART] and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Maryland [Mr. BUTLER] is absent because of illness.

The Senator from Nebraska [Mr. HRUSKA] and the Senator from North Dakota [Mr. YOUNG] are absent on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Nebraska [Mr. HRUSKA], and the Senator from North Dakota [Mr. YOUNG] would each vote "yea."

The result was announced—yeas 81, nays 0, as follows:

[No. 110]

YEAS—81

Aiken	Fong	Monroney
Anderson	Fulbright	Morton
Bartlett	Gore	Moss
Beall	Hart	Mundt
Bennett	Hayden	Neuberger
Bible	Hickenlooper	Pastore
Boggs	Hickey	Prouty
Bridges	Hill	Proxmire
Bush	Holland	Randolph
Byrd, W. Va.	Humphrey	Robertson
Cannon	Jackson	Russell
Carlson	Javits	Saltonstall
Carroll	Johnston	Schoeppel
Case, N.J.	Jordan	Scott
Case, S. Dak.	Keating	Smathers
Church	Kefauver	Smith, Maine
Cooper	Kuchel	Sparkman
Cotton	Lausche	Stennis
Curtis	Long, Mo.	Symington
Dirksen	Long, Hawaii	Talmadge
Dodd	Long, La.	Thurmond
Douglas	Magnuson	Tower
Dworshak	Mansfield	Wiley
Eastland	McClellan	Williams, N.J.
Ellender	McNamara	Williams, Del.
Engle	Metcalf	Yarborough
Ervin	Miller	Young, Ohio

NAYS—0

NOT VOTING—19

Allott	Goldwater	Morse
Burdick	Gruening	Muskie
Butler	Hartke	Pell
Byrd, Va.	Hruska	Smith, Mass.
Capehart	Kerr	Young, N. Dak.
Chavez	McCarthy	
Clark	McGee	

So the bill (S. 2311) was passed.

AGRICULTURAL ACT OF 1961

The PRESIDING OFFICER (Mr. MILLER in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1643) to improve and protect farm prices and farm income, to increase farmer participation in the development of farm programs, to adjust supplies of agricultural commodities in line with the requirements therefor, to improve distribution and expand exports of agricultural commodities, to liberalize and extend farm credit services, to protect the interest of consumers, and for other purposes, which was, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Agricultural Act of 1961".

DECLARATION OF POLICY

SEC. 2. In order more fully and effectively to improve, maintain, and protect the prices and incomes of farmers, to enlarge rural purchasing power, to achieve a better balance between supplies of agricultural commodities and the requirements of consumers therefor, to preserve and strengthen the structure of agriculture, and to revitalize and stabilize the overall economy at reasonable costs to the Government, it is hereby declared to be the policy of Congress to—

(a) afford farmers the opportunity to achieve parity of income with other economic groups by providing them with the means to develop and strengthen their bargaining power in the Nation's economy;

(b) encourage a commodity-by-commodity approach in the solution of farm problems and provide the means for meeting varied and changing conditions peculiar to each commodity;

(c) expand foreign trade in agricultural commodities with friendly nations, as defined in section 107 of Public Law 480, 83d Congress, as amended (7 U.S.C. 1707), and in no manner either subsidize the export, sell, or make available any subsidized agricultural commodity to any nations other than such friendly nations and thus make full use of our agricultural abundance.

(d) utilize more effectively our agricultural productive capacity to improve the diets of the Nation's needy persons;

(e) recognize the importance of the family farm as an efficient unit of production and as an economic base for towns and cities in rural areas and encourage, promote, and strengthen this form of farm enterprise;

(f) facilitate and improve credit services to farmers by revising, expanding, and clarifying the laws relating to agricultural credit;

(g) assure consumers of a continuous, adequate, and stable supply of food and fiber at fair and reasonable prices;

(h) reduce the cost of farm programs by preventing the accumulation of surpluses; and

(i) use surplus farm commodities on hand as fully as practicable as an incentive to reduce production as may be necessary to bring supplies on hand and firm demand in balance.

TITLE I—SUPPLY AND PRICE STABILIZATION

Subtitle A—Formulation of commodity programs

SEC. 111. In furtherance of the declared policy of this Act, the Secretary of Agriculture shall recommend to the Congress legislation authorizing long-range stabilization programs for wheat and for feed grains not later than January 15, 1962. The Secretary shall study on a commodity-by-commodity basis the price, production, marketing, income, and other factors affecting other agricultural commodities which have a substantial effect on the farm economy, and shall recommend to the Congress legislation authorizing a specific stabilization program for any commodity whenever such program cannot be carried out under existing law and, in his judgment, is necessary in furtherance of the declared policy of this Act, is feasible, and would meet with the approval of a majority of the producers of the commodity. The programs which would be authorized by the legislation recommended to the Congress hereunder shall be formulated after consulting and advising with farmers, representatives of farm organizations, consumers, and others interested in the commodity.

Subtitle B—1962 wheat program

SEC. 121. Section 334 of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting (1) after (c) and adding a new subparagraph (2) following subparagraph (c)(1) to read as follows:

"(2) Notwithstanding any other provision of law, each old or new farm acreage allotment for the 1962 crop of wheat as determined on the basis of a minimum national acreage allotment of 55 million acres shall be reduced by 10 per centum. In the event notices of farm acreage allotments for the 1962 crop of wheat have been mailed to farm operators prior to the effective date of this subparagraph (2), new notices showing the required reduction shall be mailed to farm operators as soon as practicable."

SEC. 122. (a) In lieu of the provisions of item (1) of Public Law 74, Seventy-seventh Congress, as amended (7 U.S.C. 1340(1)), the following provisions shall apply to the 1962 crop of wheat:

"(1) If a national marketing quota for wheat is in effect for the marketing year beginning July 1, 1962, farm marketing quotas shall be in effect for the crop of wheat which is normally harvested in 1962. The farm marketing quota for such crop of wheat shall be the actual production of the acreage planted to such crop of wheat on the farm less the farm marketing excess. The farm marketing excess shall be an amount equal to twice the normal yield of wheat per acre established for the farm multiplied by the number of acres of such crop of wheat on the farm in excess of the farm acreage allotment for such crop unless the producer, in accordance with regulations prescribed by the Secretary and within the time prescribed therein, establishes to the satisfaction of the Secretary the actual production of such crop of wheat on the farm. If such actual production is so established, the farm marketing excess shall be such actual production less the actual production of the farm wheat acreage allotment based upon the average yield per acre for the entire 1962 wheat acreage on the farm: *Provided, however,* That the farm marketing excess shall not be larger than the amount by which the actual production, so established, exceeds the normal production of the farm wheat acreage allotment."

(b) Notwithstanding the provisions of item (2) of Public Law 74, Seventy-seventh Congress, as amended (7 U.S.C. 1340(2)), the rate of penalty on wheat of the 1962 crop shall be 65 per centum of the parity price per bushel of wheat as of May 1, 1962.

(c) In lieu of the provisions of item (3) of Public Law 74, Seventy-seventh Congress, as amended (7 U.S.C. 1340(3)), the following provisions shall apply to the 1962 crop of wheat:

"(3) The farm marketing excess for wheat shall be regarded as available for marketing, and the penalty and the storage amount or amounts of wheat to be delivered to the Secretary shall be computed upon twice the

normal production of the excess acreage. If the farm marketing excess so computed is adjusted downward on the basis of actual production as heretofore provided the difference between the amount of the penalty or storage computed on the basis of twice the normal production and as computed on actual production shall be returned to or allowed the producer or a corresponding adjustment made in the amount to be delivered to the Secretary if the producer elects to make such delivery. The Secretary shall issue regulations under which the farm marketing excess of wheat for the farm shall be stored or delivered to him. Upon failure to store, or deliver to the Secretary, the farm marketing excess within such time as may be determined under regulations prescribed by the Secretary the penalty computed as aforesaid shall be paid by the producer. Any wheat delivered to the Secretary hereunder shall become the property of the United States and shall be disposed of by the Secretary for relief purposes in the United States or friendly foreign countries or in such other manner as he shall determine will divert it from the normal channels of trade and commerce."

(d) Item (7) of Public Law 74, Seventy-seventh Congress, as amended (7 U.S.C. 1340 (7)), is amended to read as follows:

"(7) A farm marketing quota on any crop of wheat shall not be applicable to any farm on which, under regulations prescribed by the Secretary, the actual acreage planted to wheat for harvest of such crop does not exceed 15 acres: *Provided, however,* That a farm marketing quota on the 1962 crop of wheat shall be applicable to any farm on which the acreage of wheat exceeds the smaller of (1) 13.5 acres, or (2) the highest number of acres actually planted to wheat on the farm for harvest in any of the calendar years 1959, 1960, or 1961."

(e) Subsection (d) of section 335 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1335(d)), is hereby repealed effective with the 1962 crop of wheat.

SEC. 123. Price support for the 1962 crop of wheat shall be made available, as provided in section 101 of the Agricultural Act of 1949, as amended, except that price support shall be made available only to the cooperators and only in the commercial wheat-producing area.

SEC. 124. (a) If marketing quotas are in effect for the 1962 crop of wheat, producers on any farm, except a farm on which a new farm wheat allotment is established for the 1962 crop, in the commercial wheat-producing area shall be entitled to payments determined as provided in subsection (b) upon compliance with the conditions hereinafter prescribed:

(1) Such producers shall divert from the production of wheat an acreage on the farm equal to either (i) 10 per centum of the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961: *Provided,* That such acreage in each of such years did not exceed 15 acres, or (ii) 10 per centum of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended.

(2) In 1962, such diverted acreage shall be devoted to conservation uses including summer fallow, approved by the Secretary, and such measures shall be taken as the Secretary may deem appropriate to keep such diverted acreage free from insects, weeds, and rodents: *Provided,* That such diverted acreage may be devoted to castor beans, safflower, sunflower, or sesame, if designated by the Secretary, subject to the condition that no payment shall be made with respect to diverted acreage devoted to any such commodity.

(3) The total acreage of cropland on the farm in 1962 devoted to soil-conserving uses including summer fallow and idle land, but excluding the acreage diverted as provided above and acreage diverted under the special 1962 program for feed grains, shall not be less than the total average acreage of cropland devoted to soil-conserving uses including summer fallow and idle land on the farm in 1959 and 1960. Certification by the producer with respect to such acreage may be accepted as evidence of compliance with the foregoing provision. The total average acreage devoted to soil-conserving uses, including summer fallow and idle land, in 1959 and 1960 shall be subject to adjustment to the extent the Secretary determines appropriate for abnormal weather conditions or other factors affecting production, established crop-rotation practices on the farm, changes in the constitution of the farm, participation in other Federal farm programs, or to give effect to the provisions of law relating to release and reapportionment or preservation of history.

(4) If the diversion of acreage is made pursuant to the provisions of (1)(i) of this subsection (a), the actual acreage of wheat planted on the farm for harvest in 1962 shall not exceed 90 per centum of the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961; and if the diversion of acreage is made pursuant to the provisions of (1)(ii) of this subsection (a), the farm shall be in compliance with the 1962 farm wheat acreage allotment.

(b)(1) Upon compliance with the conditions prescribed in subsection (a) producers on the farm shall be entitled to payments which shall be made by Commodity Credit Corporation in cash or wheat not in excess of 50 per centum of the value, at the basic county support rate per bushel for No. 1 wheat of the 1962 crop for the county in which the farm is considered as being located for the administration of farm marketing quotas for wheat, of the number of bushels equal to the adjusted yield per acre of wheat for the farm, multiplied by the number of diverted acres other than acres devoted to castor beans, safflower, sunflower, or sesame.

(2) The adjusted yield per acre of wheat for the farm shall be determined by the Secretary on the basis of the adjusted county average yield per acre for the 1959 and 1960 crops in the county in which the farm is considered as being located, and the productivity of the farm compared with other farms in the county taking into account special cultural practices, such as summer fallow or irrigation, normally followed on the acreage diverted from wheat. To the extent that a producer proves the actual acreages and yields for the farm for the 1959 and 1960 crop years, such acreages and yields, subject to such adjustments as may be made pursuant to the foregoing authority, shall be used in making determinations. The adjusted county average yield per acre shall be the county average for 1959 and 1960, as determined by the Secretary from the latest available statistics of the Federal Government, with such adjustments as he deems appropriate to take into account abnormal factors adversely affecting production.

(3) The Secretary shall provide by regulations for the sharing of payments among producers on the farm on a fair and equitable basis. The medium of payment shall be determined by the Secretary. If payments are made in wheat, the value of the payments in cash shall be converted to wheat at the market price of wheat as determined by Commodity Credit Corporation. Wheat received as payment-in-kind may be marketed without penalty but shall not be eligible for price support.

(c)(1) Producers who divert acreage on the farm under subsection (a) may divert additional acreage on the farm not in excess of the larger of three times the amount diverted under subsection (a) or such acreage as will bring the total acreage diverted to 15 acres: *Provided,* That the total acreage diverted under subsection (a) and this subsection (c) shall not exceed the larger of (i) the highest actual acreage of wheat planted on the farm for harvest for any of the years 1959, 1960, or 1961, but not to exceed fifteen acres or (ii) the 1962 wheat acreage allotment.

(2) Payments shall be made with respect to the acreage diverted under this subsection (c) in accordance with the terms and conditions prescribed in subsection (a): *Provided,* That (i) 60 per centum shall be substituted for 50 per centum in computing the amount of the payment, (ii) the acreage diverted under this subsection (c) shall be added to and deemed to be acreage diverted under subsection (a) for the purposes of paragraphs (2) and (3) of subsection (a), and (iii) if the diversion under subsection (a) is made pursuant to (1)(i) of said subsection, the actual acreage planted to wheat for harvest on the farm in 1962, shall be reduced below the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961, by the total amount of acres diverted under subsection (a) and this subsection (c), or if the diversion under subsection (a) is made pursuant to (1)(ii) of said subsection, the 1962 wheat acreage on the farm shall be reduced by the total amount of acres diverted under subsection (a) and this subsection (c) below whichever of the following acreages is the larger—

(A) the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended;

(B) the highest actual acreage of wheat planted on the farm for harvest for any of the years 1959, 1960, or 1961, but not to exceed fifteen acres.

(d) Any acreage diverted from the production of wheat to conservation uses for which payment is made under the program formulated pursuant to this section shall be in addition to any acreage diverted to conservation uses for which payment is made under any other Federal program except that the foregoing shall not preclude the making of cost-sharing payments under the agricultural conservation program or the Great Plains program for conservation practices carried out on any acreage devoted to soil-conserving uses under the program formulated pursuant to this section.

(e) The Secretary may provide for adjusting any payment on account of failure to comply with the terms and conditions of the program formulated under this section.

(f) Not to exceed 50 per centum of any payment to producers under this section may be made in advance of determination of performance.

(g) The program formulated pursuant to this section may include such terms and conditions, in addition to those specifically provided for herein, as the Secretary determines are desirable to effectuate the purposes of this section.

(h) Wheat stored to avoid or postpone a marketing quota penalty under the Agricultural Adjustment Act of 1938, as amended and supplemented, shall not be released from storage for underplanting based upon acreage diverted under subsection (a) or (c) above, and in determing production of the 1962 crop of wheat for the purpose of

releasing wheat from storage on account of underproduction the normal yield of the diverted acres shall be deemed to be actual production of 1962 wheat.

(i) The Secretary is authorized to promulgate such regulations as may be necessary to carry out the provisions of this section.

(j) the Commodity Credit Corporation is authorized to utilize its capital funds and other assets for the purpose of making the payments authorized herein and to pay administrative expenses necessary in carrying out this section during the period ending June 30, 1962. There is authorized to be appropriated such amounts as may be necessary thereafter to pay such administrative expenses.

SEC. 125. Section 334(e) of the Agricultural Adjustment Act of 1938, as amended, relating to increased allotments for durum wheat, is amended to read as follows:

"(e) If, with respect to the 1962 crop of wheat, the Secretary finds that the acreage allotments of farms producing durum wheat are inadequate to provide for the production of a sufficient quantity of durum wheat to satisfy the demand therefor, the wheat acreage allotment for such crop for each farm located in a county in the States of North Dakota, Minnesota, Montana, South Dakota, and California designated by the Secretary as a county which (1) is capable of producing durum wheat, and (2) has produced such wheat for commercial food products during one or more of the five years immediately preceding the year in which such crop is harvested, shall be increased by such uniform percentage as he deems necessary to provide for such quantity. No increase shall be made under this subsection in the wheat acreage allotment of any farm for such crop if any wheat other than durum wheat is planted on such farm for such crop. Any increases in wheat acreage allotments authorized by this subsection shall be in addition to the National, State, and county wheat acreage allotments, and such increases shall not be considered in establishing future State, county, and farm allotments. The provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340 (6)), and section 326(b) of this Act, relating to the reduction of the storage amount of wheat shall apply to the allotment for the farm established without regard to this subsection and not to the increased allotment under this subsection. As used in this subsection the term 'durum wheat' means durum wheat (class II) other than the varieties known as 'Golden Ball' and 'Peliss'. Any farm receiving an increased allotment under this subsection shall not be required as a condition of eligibility for price support, or permitted, to participate in the special 1962 wheat program formulated under section 124 of the Agricultural Act of 1961."

Subtitle C—1962 feed grain program

SEC. 131. Section 105(c) of the Agricultural Act of 1949 is amended by adding the following new paragraphs (3) and (4):

"(3) The level of price support for the 1962 crop of corn shall be established by the Secretary at such level not less than 65 per centum of the parity price therefor as the Secretary may determine. Price support for corn, grain sorghums, and barley shall be made available on not to exceed the normal production of the 1962 acreage of corn, grain sorghums, and barley of each eligible farm based on its average yield per acre for the 1959 and 1960 crop acreage.

"(4) The Secretary shall require as a condition of eligibility for price support on the 1962 crop of corn and grain sorghums that the producer shall participate in the special agricultural conservation program for 1962 for corn and grain sorghums to the extent prescribed by the Secretary and shall not knowingly devote an acreage on the farm to barley in excess of the average acreage devoted on the farm to barley in 1959 and 1960, except that the Secretary may permit acreage in excess of such average acreage to be devoted to malting barley subject to such terms and conditions as he may prescribe. The Secretary shall require as a condition of eligibility for price support on the 1962 crop of barley that the producer shall participate in the special agricultural conservation program for 1962 for barley to the extent prescribed by the Secretary and shall not knowingly devote an acreage on the farm to corn and grain sorghums in excess of the average acreage devoted on the farm to corn and grain sorghums in 1959 and 1960."

SEC. 132. Section 16 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by adding the following new subsections.

"(d) No contract for assistance under the Soil Conservation and Domestic Allotment Act, as amended, shall be entered into by the Secretary with a farm operator for draining wetlands, either through grants or technical assistance, where the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed by the proposed drainage, and has reported such finding to the Secretary of Agriculture.

"(e) Notwithstanding any other provision of law—

"(1) The Secretary shall formulate and carry out a special agricultural conservation program for 1962, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of corn and grain sorghums, and barley, respectively, to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil conserving crops or practices including summer fallow and idle land by an equal amount: *Provided, however,* That any producer may elect in lieu of such payment to devote such diverted acreage to castor beans, safflower, sunflower, or sesame, if designated by the Secretary. In order to be eligible for a payment, a producer who participates in the special agricultural conservation program of 1962 for corn and grain sorghums must not knowingly devote an acreage on the farm in excess of the average acreage devoted on the farm to barley in 1959 and 1960, except that the Secretary may permit acreage in excess of such average acreage to be devoted to malting barley subject to such terms and conditions as he may prescribe; and a producer who participates in the special agricultural conservation program for 1962 for barley must not knowingly devote an acreage on the farm to corn and grain sorghums in excess of the average acreage devoted on the farm to corn and grain sorghums in 1959 and 1960. Such special agricultural conservation program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from insects, weeds, and rodents. The acreage eligible for payments in cash or in an equivalent amount in kind under such conservation program shall be an acreage equivalent to 20 per centum of the average acreage on the farm planted to corn and grain sorghums, or barley, in the crop years 1959 and 1960. Such payments in cash or in kind at the basic county support rate may be made on an amount of the commodity not in excess of 50 per centum of the normal production of the acreage diverted from the commodity on the farm based on its average yield per acre for the 1959 and 1960 crop acreage. Payments in kind only may be made by the Secretary for the diversion of up to (i) an additional 20 per centum of the average acreage on the farm planted to corn and grain sorghums, or barley, in the crop years 1959 and 1960, or (ii) such additional acreage as will bring the total diverted acreage to 20 acres, whichever is greater. Payments in kind on such additional acreage may be made at the basic county support rate on an amount of corn and grain sorghums, or barley, not in excess of 60 per centum of the normal production of the acreage diverted from the commodity on the farm based on its average yield per acre for the 1959 and 1960 crop acreage. The Secretary may make such adjustments in acreage and yields for the 1959 and 1960 crop years as he determines necessary to correct for abnormal factors adversely affecting production, and to give due consideration to tillable acreage, crop rotation practices, type of soil, soil and water conservation measures, and topography. To the extent that a producer proves the actual acreages and yields for the farm for the 1959 and 1960 crop years, such acreages and yields, subject to such adjustments as may be made pursuant to the foregoing authority, shall be used in making determinations. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance.

"(2) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this section 16(d). Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital funds such sums as may be necessary to pay administrative expenses in connection with such program during the fiscal year ending June 30, 1962, and to pay such costs as may be incurred in carrying out section 133 of the Agricultural Act of 1961.

"(3) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts."

SEC. 133. Payments in cash shall be made by Commodity Credit Corporation and payments in kind shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for feed grains and, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates at such time and in such manner as the Secretary determines will best effectuate the purposes of the special feed grain program for 1962 authorized by this Act. In the case of any certificate not presented for redemption within thirty days of the date of its issuance, reasonable costs of storage and other carrying charges, as determined by the Secretary, for the period beginning thirty days after its issuance and ending with the date of its presentation for redemption shall be deducted from the value of the certificate.

Subtitle D—Marketing orders

SEC. 141. Section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by (a) inserting after the words "or frozen grapefruit," the words "cranberries, apples, or turkeys," and after the phrase "the products of naval stores," the phrase "the products of peanuts," and (b) striking out "and Idaho, and not including fruits, other than olives and grapefruit, for canning or freezing), tobacco," and inserting in lieu thereof "Idaho, New York, Michigan, Maryland, New Jersey, Indiana, California, Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, and Connecticut, and not including

fruits for canning or freezing other than olives, grapefruit, cranberries, and apples produced in the States named above except Washington, Oregon, and Idaho), tobacco, peanuts, turkeys," and (c) changing the period at the end thereof to a colon and adding: "*Provided further*, That no order issued pursuant to this section shall be effective as to cranberries or apples for canning or freezing unless the Secretary of Agriculture determines, in addition to other required findings and determinations, that the issuance of such order is approved or favored by processors who, during a representative period determined by the Secretary, have engaged in canning or freezing such commodity for market and have frozen or canned more than 50 per centum of the total volume of the commodity to be regulated which was canned or frozen within the production area, or marketed within the marketing area, defined in such order, during such representative period."; and section 8e of such Act is amended by striking out of the first sentence thereof "tomatoes, avocados, mangoes, limes, grapefuit, green peppers, Irish potatoes, cucumbers, or egg plants" and inserting in lieu thereof "any agricultural commodity".

Subtitle E—Wool

SEC. 151. Section 703 of the National Wool Act of 1954, as amended (68 Stat. 910, 72 Stat. 994; 7 U.S.C. 1782), is amended by striking out of the second sentence thereof "1962" and inserting "1967".

TITLE II—AGRICULTURE TRADE DEVELOPMENT

SEC. 201. Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended as follows:

(1) Effective January 1, 1962, section 103(b) is amended to read as follows:

"(b) No agreement under this title which will call for appropriations to reimburse the Commodity Credit Corporation in an amount in excess of $5,000,000 may be entered into until after the expiration of 15 days from the date upon which a report of the provisions of the proposed agreement is submitted to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives."

(2) Section 104 is amended:

(a) by inserting after the words "foreign currencies" in the introductory clause, the following: ", including principal and interest from loan repayments,";

(b) by striking out in the final proviso in such section the language beginning with the words "for the purpose" and ending with the words "specified in" and inserting in lieu thereof the words "pursuant to";

(c) by adding after subsection (r) the following new subsection (s):

"(s) For the sale for dollars to American tourists under such terms and conditions as the President may prescribe;";

(d) by inserting in the second sentence of subsection (a) after the word "made" where it first appears the words "each year" and after the word "be" where it first appears the words "set aside in the amounts and kinds of foreign currencies specified by the Secretary of Agriculture and"; and by striking out from the third sentence of subsection (a) the words "Particular regard shall be given to provide" and inserting in lieu thereof the words "Provision shall be made"; and by striking out from the third sentence of subsection (a) the word "may" and inserting in lieu thereof the words "the Secretary of Agriculture determines to"; and by inserting in the third sentence after the word "thereof" the following: "(not less than 2 per centum)"; and by inserting after the third sentence a new sentence as follows: "Such sums shall be converted into the types and kinds of foreign currencies as the Secretary deems necessary to carry out the provisions of this subsection and such sums shall be deposited to a special Treasury account and shall not be made available or expended except for carrying out the provisions of this subsection"; and by striking out from the last sentence of subsection (a) the words "agreements may be entered into" and by inserting in lieu thereof "the Secretary of Agriculture is authorized and directed to enter into agreements".

(3) Section 109 is amended by striking out "1961" and substituting "1964".

SEC. 202. Title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended as follows:

(1) Section 203 is amended (a) by deleting the first sentence and substituting the following: "Programs of assistance shall not be undertaken under this title during any calendar year beginning January 1, 1961, and ending December 31, 1964, which call for appropriations of more than $300,000,000 to reimburse the Commodity Credit Corporation for all costs incurred in connection with such programs (including the Corporation's investment in commodities made available), plus any amount by which programs of assistance undertaken in the preceding calendar year have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than were authorized for such purpose during such preceding year by this title as in effect during such preceding year."; and (b) by deleting "such" the first time it appears in the second sentence.

(2) Section 204 is amended by striking out "1961" and substituting "1964".

SEC. 203. Title IV of the Agricultural Trade Development and Assistance Act of 1954, as amended, is hereby amended as follows:

(1) Section 401 is amended by adding at the end thereof the following new sentence: "It is also the purpose of this title to stimulate and increase through private trade the sale of surplus agricultural commodities for dollars through long-term supply agreements and through the extension of credit for the purchase of such commodities, thereby assisting the development of the economies of friendly nations and maximizing dollar trade."

(2) Section 402 is amended by adding at the end thereof the following new sentence: "In furtherance of the purpose of maximizing dollar sales through the private trade, the Secretary of Agriculture is authorized to enter into sales agreements under which he shall undertake to provide for the delivery of surplus agricultural commodities over such periods of time and under the terms and conditions set forth in this title."

(3) The first sentence of section 403 of such Act is amended by striking out all of such sentence after the word "determine" and inserting "but not in excess of 3 per centum per annum" and by deleting the words "in approximately equal annual amounts" in the last sentence thereof.

(4) Section 405 is amended to read as follows:

"In entering into agreements with friendly nations for the sale of surplus agricultural commodities, the President may, to the extent deemed practicable and in the best interests of the United States, permit other friendly and historic supplying nations to participate in supplying such commodities under the sales agreement on the same terms and conditions as those applicable to the United States.

(5) Section 406 of such Act is amended by inserting after the word "sections" the following: "101 (b) and (c),".

SEC. 204. In the conduct of foreign market development programs, the Secretary of Agriculture is authorized to credit contributions from individuals, firms, associations, agencies, and other groups, and the proceeds received from space rentals, and sales of products and materials at exhibitions, to the appropriations charged with the cost of acquiring such space, products and materials.

TITLE III—AGRICULTURAL CREDIT

SEC. 301. (a) This title may be cited as the "Consolidated Farmers Home Administration Act of 1961".

(b) The Congress hereby finds that the statutory authority of the Secretary of Agriculture, hereinafter referred to in this title as the "Secretary," for making and insuring loans to farmers and ranchers should be revised and consolidated to provide for more effective credit services to farmers.

Subtitle A—Real estate loans

SEC. 302. The Secretary is authorized to make and insure loans under this subtitle to farmers and ranchers in the United States and in Puerto Rico and the Virgin Islands who (1) are citizens of the United States, (2) have a farm background and either training or farming experience which the Secretary determines is sufficient to assure reasonable prospects of success in the proposed farming operations, (3) are or will become owner-operators of not larger than family farms, and (4) are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms for loans for similar purposes and periods of time.

SEC. 303. Loans may be made or insured under this subtitle for acquiring, enlarging, or improving farms, including farm buildings, land and water development, use and conservation, refinancing existing indebtedness, and for loan closing costs. In making or insuring loans for farm purchase, the Secretary shall give preference to persons who are married or have dependent families and, wherever practicable, to persons who are able to make initial downpayments, or who are owners of livestock and farm implements necessary successfully to carry on farming operations.

SEC. 304. Loans may also be made or insured under this subtitle to any farmowners or tenants without regard to the requirements of section 302 (1), (2), and (3) for the purposes only of land and water development, use and conservation.

SEC. 305. The Secretary shall make or insure no loan under sections 302, 303, and 304 which would cause (a) the unpaid indebtedness against the farm or other security at the time the loan is made to exceed $60,000 or the normal value of the farm or other security, or (b) the loan to exceed the amount certified by the county committee. In determining the normal value of the farm, the Secretary shall consider appraisals made by competent appraisers under rules established by the Secretary. Such appraisals shall take into consideration both the normal agricultural value and the normal market value of the farm.

SEC. 306. (a) The Secretary also is authorized to make or insure loans to associations, including corporations not operated for profit and public and quasi-public agencies, to provide for the application or establishment of soil conservation practices, the conservation, development, use, and control of water and the installation or improvement of drainage facilities, all primarily for serving farmers, ranchers, farm tenants, farm laborers, and rural residents, and to furnish financial assistance or other aid in planning projects for such purposes. No such direct loans shall be made which would cause an association's unpaid principal indebtedness to the Secretary under this section and the Act of August 28, 1937, as amended, to exceed $500,000 and on insured loans to exceed $2,500,000 at any one time.

(b) The service provided or made available through any such association shall not

be curtailed or limited by inclusion of the area served by such association within the boundaries of any municipal corporation or other public body, or by the granting of any private franchise for similar service within such area during the term of such loan; nor shall the happening of any such event be the basis of requiring such association to secure any franchise, license, or permit as a condition to continuing to serve the area served by the association at the time of the occurrence of such event.

SEC. 307. (a) The period for repayment of loans under this subtitle shall not exceed forty years. The Secretary shall from time to time establish the interest rate or rates at which loans for various purposes will be made or insured under this subtitle but not in excess of 5 per centum per annum. The borrower shall pay such fees and other charges as the Secretary may require.

(b) The Secretary shall take as security for the obligations entered into in connection with loans, mortgages on farms with respect to which such loans are made or such other security as the Secretary may require, and for obligations in connection with loans to associations under section 306, shall take liens on the facility or such other security as he may determine to be necessary. Such security instruments shall constitute liens running to the United States notwithstanding the fact that the notes may be held by lenders other than the United States.

SEC. 308. Loans under this subtitle may be insured by the Secretary, aggregating not more than $150,000,000 in any one year, whenever funds are advanced or a loan is purchased by a lender other than the United States. In connection with insurance of loans, the Secretary—

(a) is authorized to make agreements with respect to the servicing of loans insured hereunder and to purchase such loans on such terms and conditions as he may prescribe, except that no agreement shall provide for purchase by the Secretary of a date sooner than three years from the date of the note; and

(b) shall retain out of payments by the borrower a charge at a rate determined by the Secretary from time to time equivalent to not less than one-half of 1 per centum per annum on the principal unpaid balance of the loan.

Any contract of insurance executed by the Secretary under this subtitle shall be an obligation supported by the full faith and credit of the United States and incontestable except for fraud or misrepresentation of which the holder has actual knowledge.

SEC. 309. (a) The fund established pursuant to section 11(a) of the Bankhead-Jones Farm Tenant Act, as amended, shall hereafter be called the Agricultural Credit Insurance Fund and is hereinafter in this subtitle referred to as the "fund". The fund shall remain available as a revolving fund for the discharge of the obligations of the Secretary under agreements insuring loans under this subtitle and loans and mortgages insured under prior authority.

(b) Moneys in the fund not needed for current operations shall be deposited in the Treasury of the United States to the credit of the fund or invested in direct obligations of the United States or obligations guaranteed by the United States. The Secretary may purchase with money in the fund any notes issued by the Secretary to the Secretary of the Treasury for the purpose of obtaining money for the fund.

(c) The Secretary is authorized to make and issue notes to the Secretary of the Treasury for the purpose of obtaining funds necessary for discharging obligations under this section and for authorized expenditures out of the fund. Such notes shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes shall bear interest at a rate fixed by the Secretary of the Treasury, taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the notes issued by the Secretary under this subtitle. The Secretary of the Treasury is authorized and directed to purchase any notes of the Secretary issued hereunder, and for that purpose, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act, as amended, are extended to include the purchase of notes issued by the Secretary. All redemptions, purchase, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States.

(d) Notes and security acquired by the Secretary in connection with loans insured under this subtitle and under prior authority shall become a part of the fund. Notes may be held in the fund and collected in accordance with their terms or may be sold by the Secretary with or without agreements for insurance thereof at the balance due thereon, or on such other basis as the Secretary may determine from time to time. All net proceeds from such collections, including sales of notes or property, shall be deposited in and become a part of the fund.

(e) The Secretary shall deposit in the fund such portion of the charge collected in connection with the insurance of loans at least equal to a rate of one-half of 1 per centum per annum on the outstanding principal obligations and the remainder of such charge shall be available for administrative expenses of the Farmers Home Administration, to be transferred annually, and become merged with any appropriation for administrative expenses.

(f) The Secretary may utilize the fund—

(1) to make loans which could be insured under this subtitle whenever the Secretary has reasonable assurance that they can be sold without undue delay, and may sell and insure such loans. The aggregate of the principal of such loans made and not disposed of shall not exceed $10,000,000 at any one time;

(2) to pay the interest to which the holder of the note is entitled on loans heretofore or hereafter insured accruing between the date of any prepayments made by the borrower and the date of transmittal of any such prepayments to the lender. In the discretion of the Secretary, prepayments other than final payments need not be remitted to the holder until the due date of the annual installment;

(3) to pay to the holder of the notes any defaulted installment or, upon assignment of the note to the Secretary at the Secretary's request, the entire balance due on the loan;

(4) to purchase notes in accordance with agreements previously entered into; and

(5) to pay taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application and transmittal of collections and other expenses and advances authorized in section 335(a) in connection with insured loans.

SEC. 310. The terms "farmowner" and "owner-operator" in this subtitle shall include the owner of such interest in real estate as will give the applicant the rights of possession, management and control of the property sufficient to accomplish the objectives of the loan applied for and the right to encumber his interest as security, and where such interest is less than full ownership, the owners of other interests in said property join in the encumbrance.

Subtitle B—Operating loans

SEC. 311. The Secretary is authorized to make loans under this subtitle to farmers and ranchers in the United States and in Puerto Rico and the Virgin Islands who (1) are citizens of the United States, (2) have a farm background and training or farming experience which the Secretary determines is sufficient to assure reasonable prospects of success in the proposed farming operation, (3) are or will become operators of not larger than family farms, and (4) are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms for loans for similar purposes and periods of time.

SEC. 312. Loans may be made under this subtitle for (1) paying costs incident to reorganizing the farming system for more profitable operation, (2) purchasing livestock, poultry, and farm equipment, (3) purchasing feed, seed, fertilizer, insecticides, and farm supplies and to meet other essential farm operating expenses including cash rent, (4) financing land and water development, use and conservation, (5) refinancing existing indebtedness, (6) other farm and home needs including but not limited to family subsistence, and (7) for loan closing costs.

SEC. 313. The Secretary shall make no loan under this subtitle (1) which would cause the total principal indebtedness outstanding at any one time for loans made under this subtitle and under section 21 of the Bankhead-Jones Farm Tenant Act, as amended, to exceed $30,000: *Provided, however,* That not more than 25 per centum of the sums made available for loans under this subtitle may be used for loans which would cause such indebtedness of any borrower under said Acts to exceed $15,000, (2) for the purchasing or leasing of land other than for cash rent, or for carrying on any land leasing or land purchasing program, or (3) in excess of an amount certified by the county committee.

SEC. 314. Loans aggregating not more than $500,000 in any one year may also be made to soil conservation districts which cannot obtain necessary credit elsewhere upon reasonable terms and conditions for the purchase of farming equipment to be rented to farmers on terms and conditions approved by the Secretary.

SEC. 315. The Secretary is authorized to participate in loans which could otherwise be made by the Secretary under this subtitle which are made by commercial banks, cooperative lending agencies, or other legally organized agricultural lending agencies up to 80 per centum of the amount of the loan.

SEC. 316. The Secretary shall make all loans under this subtitle at an interest rate not to exceed 5 per centum per annum, upon the full personal liability of the borrower and upon such security as the Secretary may prescribe. Such loans shall be payable in not more than ten years.

Subtitle C—Emergency loans

SEC. 321. (a) The Secretary may designate any area in the United States and in Puerto Rico and the Virgin Islands as an emergency area if he finds (1) that there exists in such area a general need for agricultural credit which cannot be met for temporary periods of time by private, cooperative, or other responsible sources (including loans the Secretary is authorized to make under subtitle B or to make or insure under subtitle A of this title or any other Act of Congress), at reasonable rates and terms for loans for similar purposes and periods of time, and (2) that the need for such credit in such area is the result of a natural disaster, severe pro-

duction losses, or critical economic conditions encountered in the area by the producers of specified agricultural commodities and products.

(b) The Secretary is authorized to make loans in any such area (1) to established farmers or ranchers who are citizens of the United States and (2) to private domestic corporations or partnerships engaged primarily in farming or ranching provided they have experience and resources necessary to assure a reasonable prospect for successful operation with the assistance of such loan, and are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms for loans for similar purposes and periods of time.

SEC. 322. Loans may be made under this subtitle for any of the purposes authorized for loans under subtitle A or B of this title.

SEC. 323. The Secretary shall make no loan under this subtitle in excess of an amount certified by the county committee.

SEC. 324. The Secretary shall make all loans under this subtitle at a rate of interest not in excess of 3 per centum per annum repayable at such times as the Secretary may determine, taking into account the purpose of the loan and the nature and effect of the emergency, but not later than provided for loans for similar purposes under subtitles A and B of this title, and upon the full personal liability of the borrower and upon such security as the Secretary may prescribe.

SEC. 325. The Secretary may make loans without regard to the designation of emergency areas under section 321(a) to persons or corporations (1) who have suffered severe production losses not general to the area or (2) who are indebted to the Secretary for loans under the Act of April 6, 1949, as amended, or the Act of August 31, 1954, as amended, to the extent necessary to permit the orderly repayment or liquidation of said prior indebtedness.

SEC. 326. The Secretary is authorized to utilize the revolving fund created by section 84 of the Farm Credit Act of 1933, as amended (hereinafter in this subtitle referred to as the "Emergency Credit Revolving Fund"), for carrying out the purposes of this subtitle.

SEC. 327. (a) All sums received by the Secretary from the liquidation of loans made under the provisions of this subtitle or under the Act of April 6, 1949, as amended, or the Act of August 31, 1954, and from the liquidation of any other assets acquired with money from the Emergency Credit Revolving Fund shall be added to and become a part of such fund.

(b) There are authorized to be appropriated to the Emergency Credit Revolving Fund such additional sums as the Congress shall from time to time determine to be necessary.

Subtitle D—Administrative provisions

SEC. 331. For the purposes of this title and for the administration of assets under the jurisdiction of the Secretary of Agriculture pursuant to the Farmers' Home Administration Act of 1946, as amended, the Bankhead-Jones Farm Tenant Act, as amended, the Act of August 28, 1937, as amended, the Act of April 6, 1949, as amended, the Act of August 31, 1954, as amended, and the powers and duties of the Secretary under any other Act authorizing agricultural credit, the Secretary may assign and transfer such powers, duties, and assets to the Farmers Home Administration, to be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate, without regard to the civil service laws or the Classification Act of 1949, as amended, who shall receive basic compensation as provided by law for that office.

The Secretary may—

(a) administer his powers and duties through such National, area, State, or local offices and employees in the United States and in Puerto Rico and the Virgin Islands as he determines to be necessary and may authorize an office to serve the area composed of two or more States if he determines that the volume of business in the area is not sufficient to justify separate State offices;

(b) accept and utilize voluntary and uncompensated services, and with the consent of the agency concerned, utilize the officers, employees, equipment, and information of any agency of the Federal Government, or of any State, territory, or political subdivision;

(c) within the limits of appropriations made therefor, make necessary expenditures for purchase or hire of passenger vehicles, printing and binding without regard to the Act of January 12, 1895, as amended, and such other facilities and services as he may from time to time find necessary for the proper administration of this Act;

(d) compromise, adjust, or reduce claims, and adjust and modify the terms of mortgages, leases, contracts, and agreements entered into or administered by the Farmers Home Administration under any of its programs, as circumstances may require, but compromises, adjustments, or reductions of claims of $15,000 or more shall not be made without the approval of the Administrator: *Privided, however,* That—

(1) compromise, adjustment, or reduction of claims shall be based on the value of the security and determination by the Secretary of the debtor's reasonable ability to pay considering his other assets and income at the time of the action and with or without the payment of any consideration at the time of such adjustment or reduction;

(2) releases from personal liability may also be made with or without payment of any consideration at the time of adjustment of claims against—

(A) borrowers who have transferred the security property to approved applicants under agreements assuming the outstanding secured indebtedness;

(B) borrowers who have transferred the security property to approved applicants under agreements assuming that portion of the secured indebtedness equal to the current market value of the security property or transferred the security property to the Secretary;

(C) borrowers who have transferred the security property to other than approved applicants under agreements assuming the full amount of, or that portion of the secured indebtedness equal to, the current market value of the security property on terms not to exceed five annual installments with interest on the unpaid balance at a rate determined by the Secretary; and

(D) borrowers who transfer security property under subparagraphs (B) and (C) above for amounts less than the indebtedness secured thereby may be released from personal liability only on a determination by the Secretary that each such borrower has no reasonable debt-paying ability considering his assets and income at the time of the transfer and the county committee certifies that the borrower has cooperated in good faith, used diligence to maintain the security property against loss, and has otherwise fulfilled the covenants incident to his loan to the best of his ability;

(3) no compromise, adjustment, or reduction of claims shall be made upon terms more favorable than recommended by the appropriate county committee utilized pursuant to section 332 of this title; and

(4) any claim which has been due and payable for five years or more, and where the debtor has no assets or no apparent future debt-paying ability from which the claim could be collected, or is deceased and has left no estate, or has been absent from his last known address for a period of at least five years, has no known assets, and his whereabouts cannot be ascertained without undue expense, may be charged off or released by the Secretary upon a report and favorable recommendation of the county committee and of the employee having charge of the claim, and any claim involving a principal balance of $150 or less may be charged off or released whenever it appears to the Secretary that further collection efforts would be ineffectual or likely to prove uneconomical; and

(5) partial releases and subordination of mortgages may be granted either where the secured indebtedness remaining after the transaction will be adequately secured or the security interest of the Secretary will not be adversely affected, and the transaction and use of proceeds will further the purposes for which the loan was made, improve the borrower's debt-paying ability, permit payments or indebtedness owed to or insured by the Secretary, or permit payment of reasonable costs and expenses incident to the transaction, including taxes incident to or resulting from the transaction which the borrower is unable to pay from other sources;

(e) collect all claims and obligations arising or administered under this title, or under any mortgage, lease, contract, or agreement entered into or administered pursuant to this title and, if in his judgment necessary and advisable, pursue the same to final collection in any court having jurisdiction.

SEC. 332. (a) The Secretary is authorized and directed to appoint in each county or area in which activities are carried on under this title, a county committee composed of three individuals residing in the county or area, at least two of whom at the time of appointment shall be farmers deriving the principal part of their income from farming. Committee appointments shall be for a term of three years except that the first appointments for any new committee shall be for one-, two-, and three-year periods, respectively, so as to provide continuity of committee membership. The Secretary may appoint alternate committeemen. The members of the committee and their alternates shall be removable for cause by the Secretary.

(b) The rates of compensation, the number of days per month each member may be paid, and the amount to be allowed for necessary travel and subsistence expenses, shall be determined and paid by the Secretary.

(c) The committee shall meet on the call of the chairman elected by the committee or on the call of such other person as the Secretary may designate. Two members of the committee shall constitute a quorum. The Secretary shall prescribe rules governing the procedure of the committees and their duties, furnish forms and equipment necessary, and authorize and provide for the compensation of such clerical assistance as he finds may be required by any committee.

SEC. 333. In connection with loans made or insured under this title, the Secretary shall require—

(a) the applicant to certify in writing that he is unable to obtain sufficient credit elsewhere to finance his actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms for loans for similar purposes and periods of time;

(b) except for loans under sections 306, 314, and 321(b)(2), the county committee to certify in writing that the applicant meets the eligibility requirements for the loan, and has the character, industry, and ability

to carry out the proposed farming operations, and will, in the opinion of the committee, honestly endeavor to carry out his undertakings and obligations; and for loans under sections 306, 314, and 321(b)(2), the Secretary shall require the recommendation of the county committee as to the making or insuring of the loan;

(c) an agreement by the borrower that if at any time it shall appear to the Secretary that the borrower may be able to obtain a loan from a production credit association, a Federal land bank, or other responsible cooperative or private credit source, at reasonable rates and terms for loans for similar purposes and periods of time, the borrower will, upon request by the Secretary, apply for and accept such loan in sufficient amount to repay the Secretary or the insured lender, or both, and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan;

(d) such provision for supervision of the borrower's operations as the Secretary shall deem necessary to achieve the objectives of the loan and protect the interests of the United States; and

(e) the applications of veterans for loans under subtitle A or B of this title to be given preference over similar applications of nonveterans on file in any county or area office at the same time. Veterans as used herein shall mean persons who served in the Armed Forces of the United States during any war between the United States and any other nation or during the Korean conflict and who were discharged or released therefrom under conditions other than dishonorable.

SEC. 334. All property subject to a lien held by the United States or the title to which is acquired or held by the Secretary under this title other than property used for administrative purposes shall be subject to taxation by State, territory, district, and local political subdivisions in the same manner and to the same extent as other property is taxed: *Provided, however,* That no tax shall be imposed or collected on or with respect to any instrument if the tax is based on—

(1) the value of any notes or mortgages or other lien instruments held by or transferred to the Secretary;

(2) any notes or lien instruments administered under this title which are made, assigned, or held by a person otherwise liable for such tax; or

(3) the value of any property conveyed or transferred to the Secretary,

whether as a tax on the instrument, the privilege of conveying or transferring or the recordation thereof; nor shall the failure to pay or collect any such tax be a ground for refusal to record or file such instruments, or for failure to impart notice, or prevent the enforcement of its provisions in any State or Federal court.

SEC. 335. (a) The Secretary is authorized and empowered to make advances, without regard to any loan or total indebtedness limitation, to preserve and protect the security for or the lien or priority of the lien securing any loan or other indebtedness owing to, insured by, or acquired by the Secretary under this title or under any other programs administered by the Farmers Home Administration; to bid for and purchase at any execution, foreclosure, or other sale or otherwise to acquire property upon which the United States has a lien by reason of a judgment or execution arising from, or which is pledged, mortgaged, conveyed, attached, or levied upon to secure the payment of, any such indebtedness whether or not such property is subject to other liens, to accept title to any property so purchased or acquired; and to sell, manage, or otherwise dispose of such property as hereinafter provided.

(b) Real property administered under the provisions of this title may be operated or leased by the Secretary for such period or periods as the Secretary may deem necessary to protect the Government's investment therein.

(c) The Secretary may determine whether real property administered under this title is suitable for disposition to persons eligible for assistance under subtitle A. Any property which the Secretary determines to be suitable for such purposes shall, whenever practicable, be sold by the Secretary as expeditiously as possible to such eligible persons in a manner consistent with the provisions of subtitle A hereof. Real property which is not determined suitable for sale to such eligible persons or which has not been purchased by such persons within a period of three years from the date of acquisition, shall be sold by the Secretary after public notice at public sale and, if no acceptable bid is received then by negotiated sale, at the best price obtainable for cash or on secured credit without regard to the laws governing the disposition of excess or surplus property of the United States. The terms of such sale shall require an initial downpayment of at least 20 per centum and the remainder of the sales price payable in not more than five annual installments with interest on unpaid balance at the rate determined by the Secretary. Any conveyances under this section shall include all of the interest of the United States, including mineral rights.

(d) With respect to any real property administered under this title, the Secretary is authorized to grant or sell easements or rights-of-way for roads, utilities, and other appurtenances not inconsistent with the public interest. With respect to any rights-of-way over land on which the United States has a lien administered under this title, the Secretary may release said lien upon payment to the United States of adequate consideration, and the interest of the United States arising under any such lien may be acquired for highway purposes by any State or political subdivision thereof in condemnation proceedings under State law by service by certified mail upon the United States attorney for the district, the State director of the Farmers Home Administration for the State in which the farm is located, and the Attorney General of the United States: *Provided, however,* That the United States shall not be required to appear, answer, or respond to any notice or writ sooner than ninety days from the time such notice or writ is returnable or purports to be effective, and the taking or vesting of title to the interest of the United States shall not become final under any proceeding, order, or decree until adequate compensation and damages have been finally determined and paid to the United States or into the registry of the court.

SEC. 336. No officer, attorney, or other employee of the Secretary shall, directly or indirectly, be the beneficiary of or receive any fee, commission, gift, or other consideration for or in connection with any transaction or business under this title other than such salary, fee, or other compensation as he may receive as such officer, attorney, or employee. No member of a county committee shall knowingly make or join in making any certification with respect to a loan to purchase any land in which he or any person related to him within the second degree of consanguinity or affinity has or may acquire any interest or with respect to any applicant related to him within the second degress of consanguinity or affinity. Any person violating any provision of this section shall, upon conviction thereof, be punished by a fine of not more than $2,000 or imprisonment for not more than two years, or both.

SEC. 337. The Secretary may provide voluntary debt adjustment assistance between farmers and their creditors and may cooperate with State, territorial, and local agencies and committees engaged in such debt adjustment, and may give credit counseling.

SEC. 338. (a) There is authorized to be appropriated to the Secretary such sums as the Congress may from time to time determine to be necessary to enable the Secretary to carry out the purposes of this title and for the administration of assets transferred to the Farmers Home Administration.

(b) When authorized by Congress, the Secretary is authorized to make and issue notes to the Secretary of the Treasury for the purpose of obtaining funds in such amounts as the Congress may approve annually in appropriation Acts for making direct loans under this title. Such notes shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes shall bear interest at a rate fixed by the Secretary of the Treasury, taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the notes issued by the Secretary under this title. The Secretary of the Treasury is authorized and directed to purchase any notes of the Secretary issued hereunder, and for that purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended; and the purposes for which such securities may be issued under such Act, as amended, are extended to include the purchase of notes issued by the Secretary. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States.

(c) The appropriations for loans made under the authority of subsection (a) and funds obtained in accordance with subsection (b) of this section, and the unexpended balances of any funds made available for loans under the item "Farmers Home Administration" in the Department of Agriculture Appropriation Acts current on the date of enactment of this title, shall be merged into a single account known as the "Farmers Home Administration direct loan account", hereafter in this section called the "direct loan account". All claims, notes, mortgages, property, including those now held by the Secretary on behalf of the Secretary of the Treasury, and all collections therefrom, made or held under the direct loan provisions of (1) titles I, II, and IV of the Bankhead-Jones Farm Tenant Act, as amended; (2) the Farmers Home Administration Act of 1946, as amended, except the assets of the rural rehabilitation corporations; (3) the Act of August 28, 1937 (50 Stat. 869), as amended; (4) the item "Loans to Farmers—1948 Flood Damage" in the Act of June 25, 1948 (62 Stat. 1038); (5) the item "Loans to Farmers (Property Damage)" in the Act of May 24, 1949 (63 Stat. 82); (6) the Act of September 6, 1950 (64 Stat. 769); (7) the Act of July 11, 1956 (70 Stat. 525); and (8) under this title shall be held for and deposited in said account.

The notes of the Secretary issued to the Secretary of the Treasury under said Acts or under this title and all other liabilities against the appropriations or assets in the direct loan account shall be liabilities of said account, and all other obligations against such appropriations or assets shall be obligations of said account. Moneys in the direct loan account shall also be available for interest and principal repayments on notes issued by the Secretary to the Secretary of the Treasury. Otherwise, the balances in said account shall remain available to the Secretary for direct loans under subtitles A and B of this title, and for ad-

vances in connection therewith, not to exceed any existing appropriation of authorization limitations and in such further amounts as the Congress from time to time determines in appropriation Acts. The amounts so authorized for loans and advances shall remain available until expended. Subject to the foregoing limitations, the use of collections deposited in the account may be authorized by the Congress in lieu or partially in lieu of authorizing the issuing of additional notes by the Secretary to the Secretary of the Treasury, and the account shall be budgeted on a net expenditure basis.

(d) The Secretary may sell and assign any notes and mortgages in the direct loan account with the consent of the borrower or without such consent when the borrower has failed to comply with his agreement to refinance the indebtedness at the request of the Secretary. Such loans may be sold at the balance due thereon or on such other basis as the Secretary may determine from time to time.

(e) At least 25 per centum of the sums authorized in any fiscal year for direct loans to individuals to be made by the Secretary under subtitle A of this title shall be allocated equitably among the several States and territories on the basis of farm population and the prevalence of tenancy, as determined by the Secretary.

SEC. 339. The Secretary is authorized to make such rules and regulations, prescribe the terms and conditions for making or insuring loans, security instruments and agreements, except as otherwise specified herein, and make such delegations of authority as he deems necessary to carry out this title.

SEC. 340. The President may at any time in his discretion transfer to the Secretary any right, interest, or title held by the United States in any lands acquired in the program of national defense and no longer needed therefor, which the President shall find suitable for the purposes of this title, and the Secretary shall dispose of such lands in the manner and subject to the terms and conditions of the title.

SEC. 341. (a) Reference to any provisions of the Bankhead-Jones Farm Tenant Act or the Act of August 28, 1937 (50 Stat. 869), as amended, superseded by any provision of this title shall be construed as referring to the appropriate provision of this title. Titles I, II, and IV of the Bankhead-Jones Farm Tenant Act, as amended, and the Act of August 28, 1937 (50 Stat. 869), as amended, the Act of April 6, 1949 (63 Stat. 43), as amended, and the Act of August 31, 1954 (68 Stat. 999), as amended, are hereby repeated effective one hundred and twenty days after enactment hereof, or such earlier date as the provisions of this title are made effective by the Secretary's regulations. The foregoing provisions shall not have the effect of repealing the amendments to section 24, chapter 6 of the Federal Reserve Act, as amended, section 5200 of the Revised Statutes, section 35 of chapter III of the Act approved June 19, 1934 (D.C. Code, title 35, sec. 535), enacted by section 15 of the Bankhead-Jones Farm Tenant Act, as amended, and by section 10(f) of the Act of August 28, 1937 (50 Stat. 869), as amended.

(b) The repeal of any provision of law by this title shall not—

(1) affect the validity of any action taken or obligation entered into pursuant to the authority of any of said Acts, or

(2) prejudice the application of any person with respect to receiving assistance under the provisions of this title, solely because such person is obligated to the Secretary under authorization contained in any such repealed provision.

(c) If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 342. Title III of the Bankhead-Jones Farm Tenant Act, as amended, by the following new section 35:

"SEC. 35. The provisions of this title shall extend to Puerto Rico and the Virgin Islands. In the case of Alaska, Puerto Rico, and the Virgin Islands, the term 'county' as used in this title may be the entire area, or any subdivision thereof as may be determined by the Secretary, and payments under section 33 of this title shall be made to the Governor or to the fiscal agent of such subdivision."

TITLE IV—GENERAL

SEC. 401. Section 16 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by changing the third sentence of paragraph (1) of subsection (b) to read as follows: "Such contracts may be entered into during the period ending not later than December 31, 1971, with respect to farms and ranches in counties in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, designated by the Secretary as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors."

SEC. 402. The Act of July 1, 1958, as amended (72 Stat. 276), is further amended by adding a new section as follows:

"SEC. 2. There is hereby authorized to be appropriated for the fiscal year beginning July 1, 1962, and for each of the four fiscal years thereafter, such sums as may be necessary to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purposes of this Act, 'United States' means the 50 States and the District of Columbia."

SEC. 403. Section 202 of the Agricultural Act of 1949, as amended, is amended by striking the phrase "December 31, 1961" each place it appears therein and inserting in lieu thereof the phrase "December 31, 1964."

SEC. 404. Section 210 of the Agricultural Act of 1956, as amended, is amended by striking out everything after the word "Federal" and inserting in lieu thereof the following: "and State penal and correctional institutions, and to local institutions of a correctional nature other than those in which food service is provided for inmates on a fee, contract, or concession basis."

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. JOHNSTON, Mr. HOLLAND, Mr. EASTLAND, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. HICKENLOOPER conferees on the part of the Senate.

APPLICABILITY OF ANTITRUST LAWS TO BANK MERGERS

Mr. ROBERTSON. Mr. President, on July 20 I placed in the CONGRESSIONAL RECORD a speech made by Governor Robertson of the Federal Reserve Board at the Michigan Bankers Association meeting on June 23 of this year, after making a few comments in order to express my disagreement with some of Governor Robertson's views. Since that time I have received from Governor Robertson a letter on the subject of my comments on his speech, and I have written him in reply to his letter. I ask unanimous consent to have the letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, D.C., July 24, 1961.

Hon. A. WILLIS ROBERTSON,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: In the Senate last Thursday you commented upon my recent remarks before the Annual Convention of the Michigan Bankers Association. Your comments were directed particularly to the relationship of the antitrust laws to bank mergers. In view of the importance of this problem and the likelihood that it will be with us for some time, clarification seems to be advisable, especially regarding my own views.

In your comments you quoted this sentence from my speech:

"In contrast to the situation in other regulated industries, Congress has decided that bank mergers should be subject not only to the jurisdiction of the bank supervisory agencies but also to the jurisdiction of the Department of Justice and the federal courts under the antitrust laws."

You said, "These are the statements which I cannot allow to pass without comment" and "I am by no means sure that this assumption [that the Sherman Act applies to bank mergers] is justified."

It is entirely true, as you pointed out, that the U.S. Supreme Court has never ruled on whether the Sherman Act applies to bank mergers. However, until now I had always understood that you and I (among many others) were in agreement that the Sherman Act is applicable in this field.

The report of the Senate Committee on Banking and Currency on the bank merger bill (S. Rept. No. 196, 86th Cong.), which you submitted April 17, 1959, stated that:

"It is now generally accepted that these sections [secs. 1 and 2 of the Sherman Antitrust Act] apply to bank mergers and consolidations by either stock or asset acquisitions."

The report of the House Committee on Banking and Currency (H. Rept. No. 1416, 86th Cong.) also stated that "the Sherman Act applies to asset acquisitions as well as to stock acquisitions," but added that—

"It has been of little use in controlling bank mergers. It has been used only once in court (in a proceeding initiated in March 1959) against a bank merger."

The question also arose when the bank merger bill was before the Senate, and during the debate it was brought out several times that bank mergers would continue to be subject to the Sherman Act if S. 1062 was enacted. For example, during the debate on May 14, 1959, you said:

"I ask Senators to look at page 3 of the report. * * * We have tried to cover all the questions which we thought would arise.

"On page 3 the report states:

"S. 1062 would not affect in any way the applicability of the Sherman Act to bank mergers or consolidations.

"It will not affect that act in the least. If banks have actually violated the antitrust laws, they can still be prosecuted under the Sherman Act."

In the course of your comments last Thursday you said: "I assume Governor Robertson includes section 7 [of the Clayton

Act] as one of the antitrust laws applying to bank mergers." I sincerely hope my remarks before the Michigan Bankers Association did not create that impression or warrant such an assumption, because it would be just the opposite of my actual opinion on this subject. As you pointed out in your comments, I testified, during the hearings on the Bank Merger Act itself, that section 7 of the Clayton Act is not applicable to bank mergers. My views in this matter have not changed.

I should like to mention one other point you made in the course of your comments regarding the effect of the pending Philadelphia and Lexington antitrust suits. On this subject the thought I intended to convey was that, if it is undesirable for bank mergers to be subject both to the Bank Merger Act and the Sherman Antitrust Act, the situation will not be corrected by the judicial decisions in those cases—it could be changed only by congressional action. There can be no dispute about this if, as you and I have both said, the Sherman Act is applicable to bank mergers.

Over the years, you and I have generally had a clear understanding of each other's views on the subject of bank mergers, and I believe that our principles and legal opinions rarely have failed to coincide. Consequently, I hope this letter will clarify my position to your satisfaction, and, in case you see fit to insert it in the CONGRESSIONAL RECORD, to the satisfaction of any others who may have been misled by the manner in which I stated my views.

Sincerely,

J. L. ROBERTSON.

U.S. SENATE,
COMMITTEE ON BANKING AND CURRENCY,
July 26, 1961.

HON. JAMES LOUIS ROBERTSON,
Board of Governors of the Federal Reserve System, Washington, D.C.

DEAR GOVERNOR ROBERTSON: I have received your letter commenting on my remarks on your speech before the Michigan Bankers Association on the relationship of the antitrust laws to bank mergers.

I agree with you that it was generally assumed, at the time the Bank Merger Act was being considered, that the Sherman Act applied to bank mergers. I think it is clear that this was merely an assumption based primarily on the South-Eastern Underwriters case dealing with insurance and reversing almost 70 years of practice in the field of insurance. Mr. Berle's article in 49 Columbia Law Review, which was cited in the report of April 17, 1959, on this point and quoted at page 18 of the report, makes this clear. This assumption was also specifically questioned by Senator FULBRIGHT at the time of final passage of the bill in the Senate on May 6, 1960 (CONGRESSIONAL RECORD, vol 106, pt. 8, p. 9711).

I think you will agree that there was no real consideration of this assumption at the time the Bank Merger Act was being considered, partly because it was universally recognized that in the 70 years since its enactment the Sherman Act had proved entirely ineffective to control bank mergers and partly because the Bank Merger Act did not create any exemption for bank mergers from the Sherman Act. Aside from making these points clear, discussion of the Sherman Act was irrelevant to the consideration of the Bank Merger Act. It was expected that the Bank Merger Act would be the controlling law on the subject, though no effort was made to waive any application which the Sherman Act might possibly be found to have.

The suit by the Justice Department under the Sherman and Clayton Acts to enjoin a merger approved under the Bank Merger Act puts to the test the assumptions made during the consideration of the latter act.

I am glad to find that you and I are in full agreement that section 7 of the Clayton Act does not apply to bank mergers. I should find it hard to see any real significance in the Bank Merger Act if the stringent standards of section 7 should be applied to bank mergers.

The issue which I intended to raise in my remarks on your speech, is simply whether the general assumption at the time the Bank Merger Act was being considered—the assumption that the Sherman Act applies to bank mergers—will be borne out by the courts in the pending suit.

On examination of the question, it seems to me that there is substantial reason to question this assumption, and substantial reason to expect that the Supreme Court, consistent with the precedent established in the two baseball cases, would reach the conclusion that the Sherman Act of 1890 was not intended or expected to apply to the field of banking, and would therefore not apply that act to a bank merger.

If the Court should reach this decision, and hold that bank mergers are not subject to the Sherman Act, this would necessarily mean that bank mergers would not be subject both to the Sherman Act and the Bank Merger Act. This would obviate the conflict between statutes, the conflict between agencies, which you fear would make additional legislation necessary.

In my judgment this would be a most satisfactory result. I think the bank supervisory agencies, with the help of the comments of the Department of Justice on the competitive factors involved in bank mergers, are best qualified to determine the desirability of proposed bank mergers, from the point of view of both the banking factors and the competitive factors involved in bank mergers.

I am glad to have had this opportunity to go into this question more fully and more directly with you. I trust that our exchange of views has proved helpful to us and to others interested in the subject. We are, of course, both making forecasts about the outcome of litigation and, as lawyers, we know the hazards of such forecasts.

With kind regards, I am,

Sincerely yours,

A. WILLIS ROBERTSON,
Chairman.

Mr. ROBERTSON. Mr. President, in order to clear up some confusion which may have arisen on the application of section 7 of the Clayton Act, I should like to point out that the original section 7 of the Clayton Act applied only to transactions involving stock acquisitions, for example bank holding companies and the like. It did not apply to transactions accomplished by asset acquisitions. Since bank mergers are virtually always affected by asset acquisition, the original section 7 of the Clayton Act, therefore, had no significance as far as bank mergers were concerned. In 1950, section 7 of the Clayton Act was amended in a number of respects. It was broadened to cover asset acquisitions. However, the 1950 amendment did not broaden the act to cover bank mergers by asset acquisitions. So, since bank mergers are almost invariably affected by asset acquisitions, section 7 of the Clayton Act still has no significance in the case of bank mergers.

Furthermore, the statements made during the discussion of the Bank Merger Act in 1959 and 1960, expressing in one way or another the general assumption that bank mergers were subject to the Sherman Act—for the purpose of explaining that the Bank Merger Act was necessary and did not expressly repeal the Sherman Act with respect to bank mergers—have no significance so far as the interpretation of the Sherman Act of 1890 is concerned. Statements made in Congress in 1959 and 1960 are not a part of the legislative history of an 1890 statute.

I have set forth in my previous remarks and in my letter to Governor Robertson my reasons for thinking that when the Supreme Court considers the applicability of the Sherman Act to bank mergers—for the first time since the enactment of the Sherman Act—they will not follow the precedent of the South-Eastern Underwriters case, but instead follow what I consider to be the better and more recent precedent established in the baseball cases, where the Court said that it would not change a long-standing interpretation of a statute but would instead leave it to Congress to amend statutes.

AUTHORIZATION FOR PRESIDENT TO ORDER READY RESERVE TO ACTIVE DUTY

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar 617, Senate Joint Resolution 120.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 120) to authorize the President to order units and members in the Ready Reserve to active duty for not more than 12 months, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

Mr. RUSSELL. Mr. President, the joint resolution which is now before the Senate is the second of two legislative items specifically requested by the Presi- in his address to the Nation on Tuesday evening. A letter from the President on this resolution is printed in the committee report.

The purpose of the joint resolution is to provide authority until June 1, 1962, for the President to order not more than 250,000 members of the Ready Reserve to active duty for not more than 12 months. It would also authorize until July 1, 1962, the extension, for not more than 12 months, of enlistments, appointments, and other periods of obligated service which would otherwise expire before July 1, 1962.

Under the statutory framework for the Reserve components, the members of the Ready Reserve are in a priority category of both vulnerability to recall to active duty and of readiness for such extended active duty because of their training.

The Senate may be interested to know that the strength of the Ready Reserve forces of the United States as of today is almost 2,700,000 members. In a national emergency proclaimed by the

President, as many as 1 million members of the Ready Reserve could be called to active duty for as long as 24 months. Thus it is apparent that the authority of section 1 of the joint resolution is in three respects more limited than the authority which the President would have should he proclaim an emergency.

First, not more than 250,000 members of the Ready Reserve may be ordered to active duty under the joint resolution, whereas the President could order 1 million under a declaration of national emergency.

Second, the period of active duty which may be required under the joint resolution is only 12 months. In the absence of the joint resolution, and proceeding under a declaration of emergency, the service could extend for 24 months, or twice as long as the service permitted under the joint resolution.

Third, the authority to order members of the Ready Reserve to active duty under the joint resolution extends only to July 1, 1962, whereas in a presidentially declared emergency, the authority for the ordering of the Ready Reserve to active duty would continue throughout the existence of such emergency.

The Reserve components of the Armed Forces are: First, the Army National Guard of the United States; second, the Army Reserves; third, the Naval Reserve; fourth, the Marine Corps Reserve; fifth, the Air National Guard of the United States; sixth, the Air Force Reserve; seventh, in case of a national emergency, the Coast Guard Reserve.

Each of these Reserve components is further divided into the Ready Reserve, the Standby Reserve, and the Retired Reserve. Only the Ready Reserve is affected by the joint resolution or subject to call in the case of a presidential declaration of emergency.

Each person who is required by law to serve in a Reserve component is first placed in the Ready Reserve. Some persons voluntarily remain in the Ready Reserve after they are eligible for transfer to a less vulnerable category, such as the Standby Reserve. Persons who are involuntarily in the Ready Reserve remain in that status until by length of service and Reserve participation they qualify for transfer to the Standy Reserve or until their Reserve obligation is completed. By law, the units and members of the Army National Guard of the United States and of the Air National Guard of the United States are in the Ready Reserve of the Army and the Ready Reserve of the Air Force.

The ordering of the Ready Reserve to active duty in the circumstances now obtaining is completely consistent with statutory provisions defining the purpose of the Reserve components as being to provide trained units and persons available for active duty in a war or national emergency, or at such other times as the national security requires, when more units and persons are needed than are in the regular components. There also is a statutory declaration of policy that whenever Congress deems that more units and organizations are needed for the national security than are in the regular components, the National Guard or such parts as are needed, together with units of other Reserve components necessary for a balanced force, shall be ordered to active duty.

There naturally is a great deal of interest in which units and individual members of the Ready Reserve are to be recalled in the present circumstances. Although there is a general indication of the types of forces that will be required, the specific units and members to be affected, and also the time of their call to active duty are as yet undetermined. I know that the Committee on Armed Services, the Senate, and the Congress in general desire an equitable and fair distribution of the responsibilities of military service. The overriding consideration in the decision on the members and units of the Ready Reserve who are to be ordered to active duty must be, of course, the requirements of the Armed Forces to maintain our security. To the extent consistent with these requirements, the law now provides that to achieve fair treatment as between members in the Ready Reserve who are being considered for recall to active duty without their consent, consideration shall be given to first, the length and nature of previous service, to assure such sharing of exposure to hardships as the national security and military requirements reasonably allow; second, family responsibilities; third, employment necessary to maintain the national health, safety, or interest. Moreover, since 1952 there has been a requirement for a continuous screening of units and members of the Ready Reserve, to insure that, first, no significant attrition will occur to those members or units during a mobilization; second, there will be a proper balance of military skills; third, members of the Reserve forces possessing critical skills will not be retained in numbers beyond the requirements for those skills; fourth, recognition is given to participation in combat; and fifth, members of the Reserve forces whose mobilization in an emergency would result in extreme personal or community hardship are not retained in the Ready Reserve.

Mr. CASE of South Dakota. Mr. President, will the Senator from Georgia yield for a question in regard to the paragraph of his statement he has just now read?

Mr. RUSSELL. I am glad to yield to the distinguished Senator from South Dakota.

Mr. CASE of South Dakota. The Senator from Georgia has referred to provisions of existing law with respect to the calling of persons in the Ready Reserve, and I note that those provisions of the law are cited in the committee report. I wonder, however, whether those provisions of law are applicable, in light of the declaration of the pending resolution "That notwithstanding any other provision of law."

The presentation made yesterday to the committee suggested to me that all existing provisions of law relating to the calling into the Reserve of these 250,000 would be abrogated, for the first sentence begins with the words "notwithstanding any other provision of law," and so forth.

I certainly share the hope of the chairman of the committee and the hope expressed in the report—namely, that the committee hoped these normal provisions with regard to the calling of Reserves would be observed. But I interpret the language—or, at least, that was the interpretation I got from the presentation yesterday—as meaning that the provisions of law the chairman of the committee has cited, and which are also cited in the committee report, are waived by the language "notwithstanding any other provision of law."

Mr. RUSSELL. Mr. President, I regret to find myself in disagreement with the distinguished Senator from South Dakota; I do not think these laws are at all affected. The provision "notwithstanding any other provision of law" waives the laws which require that none of the Ready Reserves can be called unless a national emergency has been proclaimed by the President or by a congressional resolution. That and the provisions on the total number that can be called and on the length of service are, in my opinion, the only provisions that are modified, that are waived by this language.

Certainly no provision of law would be repealed that lays down the standards by which they may be recalled, when we are recalling these men to active duty.

Mr. CASE of South Dakota. I think it very important, Mr. President, that we have a definite understanding on that point. Certainly if we are making any legislative history here, we are making it based upon what the chairman of the committee has said.

Mr. RUSSELL. Does not the Senator from South Dakota, who is one of the able members of the Armed Services Committee, agree that the committee had no intention whatsoever of having this legislation affect the rules guiding the standards to be applied in recalling them? I cannot possibly conceive that any contrary construction could properly be put upon it.

Mr. CASE of South Dakota. I hope the chairman of the committee is right; but I am not sure that is the interpretation the Department of Defense would have put on it.

Yesterday the chairman of the committee suggested—and, I thought, very properly—that the committee report stated what is hoped would be done and states the committee's hopes.

I read now from page 3 of the committee report:

> To achieve fair treatment as between members in the Ready Reserve who are being considered for recall to duty without their consent, consideration shall be given to—
>
> (1) the length and nature of previous service, to assure such sharing of exposure to hazards as the national security and military requirements will reasonably allow;
>
> (2) family responsibilities; and
>
> (3) employment necessary to maintain the national health, safety, or interest.
>
> Again, the committee recognizes that the primary consideration must be the selection of those members and units required for an adequate national security.

I interpret that to mean that although this is the normal provision of the statutes, in case men are recalled to duty

under a declaration of emergency by the President, the phrase "notwithstanding any other provision of law" waives that, and therefore we merely express the hope that the normal provisions in regard to calling to active duty those in the Ready Reserve would be observed. I hope the chairman is correct. I merely want the record to be clear.

Mr. RUSSELL. For my part, I cannot agree that that construction could possibly be placed upon it. In the first place, the provisions which the Senator has read from the committee report, and which are presented to the Senate, appear in the declaration of policy in an act; and the Senator was present when the members of the committee went further than those declarations and requested of the Secretary of Defense his cooperation, in further extending it, in seeing that those who had been on pay status would be called before those who had not been on pay status, and that those who had done only 6 months of active duty and were then put in the Reserves, would be called before those who had performed extended active duty. The Secretary of Defense, who is an honorable man, assured the committee that, so far as practicable, he would follow that policy.

Mr. CASE of South Dakota. I am glad to note what the chairman of the committee has said. I think the Secretary said "insofar as practicable," which, of course, creates something of a difference of opinion as to what is practicable. But, as chairman of the committee has said, I think the Secretary of Defense is certainly a most honorable person, and would administer the law in good faith.

Mr. RUSSELL. So far as my intent is concerned, in making the legislative history, I contend—and I am confident I am correct in my contention—that the laws which govern the selection of the Ready Reserve for active duty are not in any way repealed.

Mr. CASE of South Dakota. Are not in anywise repealed or modified by the use of the phrase in line 3?

Mr. RUSSELL. Except as to the number. We fixed a new number. We put a ceiling of 250,000 on the number that can be called, whereas the President, if he had proclaimed an emergency, could have called up to a million.

Mr. CASE of South Dakota. I think the chairman of the committee has made a most important statement, and I am perfectly satisfied on this point to have the interpretation exactly as the chairman has suggested.

Mr. RUSSELL. If there is any deviation, and it is brought to the attention of the Senate, I shall be happy to take it up with the Secretary of Defense immediately and obtain a clarification. I do not think there is any question about it. Of course, we are not going to be able to call up as many as 500 Reservists without working a hardship on some individuals. That is inevitable. If we have an emergency, some are going to make sacrifices. We have not been able to achieve equality of sacrifice in time of war. We are trying earnestly to do so in this instance. We are going to try to avoid what happened in Korea when we got into trouble there, hurriedly and unexpectedly, and we had to call up young men who had fought in World War II. Some had been out for 5 years, had just returned home, had just started businesses, had just started rearing families, and we called them and sent them to fight a second war, when there were millions of men in America who had not fought one war. We are trying to go as far as we can to avoid that situation, and see that the men who have rendered less service would be the first called, in the event Reserves are recalled.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. SYMINGTON. The Senator from Georgia made this point with the Secretary. The Secretary assured the Chairman that he agreed with him in principle, and he would do the best he could to see that the calls were handled in the way described.

Mr. RUSSELL. He assured the committee.

Mr. SYMINGTON. He assured the committee.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. KEATING. It is heartening to hear that, and I am sure the Secretary of Defense will carry that out; but does not the Senator from Georgia feel that there are advantages in doing this by law, rather than by emergency Executive power? The Senator stated one of the advantages, namely, that it is for a shorter period of time. Another big advantage under present procedure seems to be that this responsibility is shared by the executive with the legislative branch. That is the way it should be. We want our potential enemies to know that the legislative branch stands 100 percent with the executive branch in these emergency requirements.

There is not one of us who will not have constituents who will be prejudiced by this action and who will feel they have been injured. But the American people, by and large, including those families, are ready and willing to stand up to what is necessary in a crisis like this. I feel it is a responsibility that should be shared between the legislative branch and the executive branch.

Mr. RUSSELL. I think the legislative branch in this instance is acting consistently with the constitutional requirement that we maintain the Armed Forces of the United States. It is the legislative responsibility, primarily, to see that we have an adequate defense.

Mr. KEATING. I agree with the Senator.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CASE of South Dakota. For the purpose of nailing down the point, I call attention to the fact that the first sentence of the joint resolution contains the words:

> That, notwithstanding any other provision of law, until July 1, 1962, the President may, without the consent of the persons concerned, order any unit, and any member not assigned to a unit or organized to serve as a unit, in the Ready Reserve of an armed force to active duty for not more than twelve consecutive months.

I think that language was susceptible to the interpretation that the phrase "without the consent of the persons concerned" and "notwithstanding any other provision of law" seemed pretty wide open. I think the chairman of the committee nailed it down by the statement that the call is to be consistent with the provisions of law that would be applicable had the Ready Reserve been called on an emergency declaration.

Mr. RUSSELL. I think the Senator has served a useful purpose in bringing this question to the attention of the Senate, but I am certain that the provisions of this joint resolution changing existing law relate to the number who may be called and the length of their duty. The Congress of the United States is sharing the responsibility; and in so doing we not only limit the number to 250,000, instead of 1 million, but we limit the time of service that can be required from 24 to 12 months. They are significant changes.

Mr. CASE of South Dakota. Had the joint resolution provided, "notwithstanding the provisions of law pertaining to calling up the Ready Reserve under an emergency declaration," or cited the law, it would be clear that was the law being suspended; but the use of the phrase "notwithstanding any other provision of law" created an area of some uncertainty. I think it is clear, on the basis of what the chairman has said, that the law that has been abrogated is the one he stated.

Mr. RUSSELL. I assure Senators and the Secretary of Defense that by adopting this resolution we do not intend to waive a single provision we enacted following the Korean war in an attempt to divide the hazards and time and efforts involved in defending the United States as widely as possible among those who are eligible for military service.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. I point out that the President is taking this action without declaring an emergency.

Mr. RUSSELL. Of course; and this joint resolution provides a time limitation up to July 1, 1962; if the President declares an emergency he can keep it in operation so long as he serves as President of the United States.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. RANDOLPH. This question is for the purpose of information and clarification. What will be the status of young men who are within the draft age who are now students in our colleges or universities?

Mr. RUSSELL. All young men between the ages of 18½ and 26 are subject to the draft. The possibility of young men in colleges being called would be affected by a number of considerations. Some of the questions I cannot answer.

In the first place, I do not how how many men will be called. There will be a substantial step-up. The local boards will establish priorities, to determine whether to put these young men in I–A. Some local boards have their own rules. Some feel that so long as a man is making certain grades in college they will let him stay, and if he falls below this level in his grades they reclassify him to I–A and make him available.

I will be perfectly frank with the Senator. I should say that the possibility of a young man between the ages of 18½ and 26, now in college, being called to active duty will be greater. They would be greater whether we passed this measure or not. We are strengthening the defenses of the United States, and we shall have to utilize the draft law. This measure would not change the draft law itself. Any young man who is within the draft age, who is physically and mentally qualified, whatever may be his position, is in greater danger of being called, but we are not seeking to repeal any deferment given to students in colleges who are maintaining specific scholastic standards.

Mr. RANDOLPH. I appreciate the response of my colleague, who is informed and knowledgeable on this subject, yet who admits very frankly that this is a developing problem as we broaden the call and increase our Armed Forces. This action is necessary and our citizenry supports the President in mobilizing our resources, both military and economic to meet the Soviet threat.

Mr. RUSSELL. I do not know how many will be called.

Mr. RANDOLPH. That is understandable.

Mr. RUSSELL. I am sure the number will be several times the 7,000 to 8,000 a month who have been called for the past few months. However, there is a pool of about 1½ million young men within the age limitations who have not yet been examined for classification.

Mr. RANDOLPH. I have one further inquiry. Today I received a telephone call from a parent, in this case a father, who has limited financial means. He said that he had contacted the institution of higher learning at which his son is now a student in reference to the refund of tuition costs if his son was called in the autumn after having begun another school year. The payment would be several hundreds of dollars. He further indicated that he felt the institution would not reimburse the money, if paid for the son. This is an important consideration for him as it will be in many cases, where parents are making sacrifices for their children. They are patriotic and are fully in accord with the step-up of the draft.

Mr. RUSSELL. I suggest that the parent discuss the problem with the local board. The members of the board know the people in the community. They know the sacrifices being made. They know whether they would be justified in extending the time for the young man before he is called to service because his father, who is a man of limited means, has invested a great deal in his education. I think any ordinary local board, composed of reasonable American citizens, would take all those facts into consideration.

Mr. RANDOLPH. I feel the colloquy has been helpful.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Florida.

Mr. HOLLAND. I do not have the great familiarity with this subject the distinguished chairman of the committee has, and it may be that the law itself answers the question I am about to ask.

How will the draft law, when this measure is passed, apply to students at medical and dental schools who maintain adequate academic standards toward graduation?

Mr. RUSSELL. I should be very much surprised if it touched a single one of them, because we have had to pass special laws in regard to the draft of doctors up to the age of 35 in order to maintain medical men in the services. In no emergency in which this country has ever engaged have we failed to give deferment—not exemption, but deferment—to medical students who maintain certain grades because, unfortunately, one of the great needs of the country during time of war is for doctors. We have always had to put them in a deferred category.

Mr. HOLLAND. Does that deferred category result from the operation of the law or from the operation of the regulations under which the law is administered?

Mr. RUSSELL. It is my recollection that it comes about by virtue of regulations of the President. The President is authorized by the law to defer persons whose activities promote the national health, safety, or interest. On three occasions when we required considerable mobilization, including World War II when we had in excess of 12 million men and women in the service, there was never any question whatever of the deferment of medical students. Indeed, the Government went so far as to pay their expenses in school, because there were not enough who were going of their own accord.

Mr. HOLLAND. Mr. President, if I correctly understand the remarks of the distinguished Senator, the chairman of the committee feels there would be no prejudice at all against students in regard to remaining in medical and dental schools if they maintained adequate academic standards.

Mr. RUSSELL. It is incomprehensible to me how we could possibly get into a position in which those students would be in danger. Even if we got into an all-out nuclear war the need for doctors would be much greater than it would be in a war with conventional weapons.

Mr. HOLLAND. That would be true with respect to pupils selected by the selection committees of the medical and dental schools for admission during the time of operation of the law, would it not?

Mr. RUSSELL. I am quite sure it would.

Mr. HOLLAND. The same rule would apply.

Mr. RUSSELL. Usually the local draft boards are composed of men of good judgment and hard commonsense. They are appointed by the President on recommendations by Governors of the States.

I think the odds would be quite overwhelming that it would be ridiculous to think those men would be in the slightest danger if they had admission certificates to a medical school.

Mr. HOLLAND. The distinguished Senator feels, as I understand him, that the local boards would recognize the soundness of the selection process?

Mr. RUSSELL. If the local board did not, I am confident the State appeals board would. If the State board did not, the national board certainly would.

Mr. HOLLAND. They would recognize the selection process.

Mr. RUSSELL. In any event, it would require a change in regulations to reach the man.

Mr. HOLLAND. I thank the Senator.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Missouri.

Mr. SYMINGTON. As I understand the able Senator from Georgia, he is saying that decisions are to be made by the local board. The fact that a man wishes to go to college or is in college is not necessarily a cause for deferment; is that correct?

Mr. RUSSELL. It is not.

Mr. SYMINGTON. I thank the Senator.

Mr. RUSSELL. Of course, in certain categories of skills and sciences, such as the medical professions, it is a very sound reason for the man to be deferred. Under the law, this does not waive the service requirement.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Ohio.

Mr. LAUSCHE. Is the draft law so drawn that it contemplates mobilization to the best advantage, in the interests of the security of the country, of those persons who, by reason of age, fall within the terms of the law?

Mr. RUSSELL. That is what we have undertaken to write into the law, and likewise to state in the report.

Mr. LAUSCHE. The mere fact that a person goes to college does not mean he will be granted a deferment or an exemption.

Mr. RUSSELL. Of course, it would be a ludicrous situation to have supposed equality of service, and at the same time to say that because a man is in college he is immune from serving his country.

Mr. SYMINGTON. Or to apply that rule to a man who wishes to go to college.

Mr. RUSSELL. Or to apply it to a man who wishes to go to college.

There has been much talk about young men seeking refuge in college to escape service. Undoubtedly there have been some cases of that kind.

If Senators will examine the records of World War I and World War II I think they will find that the percentage of young men in college who immediately responded, without the need for a draft law, would compare favorably with the percentage of those in any other category in the United States. It is not fair to say that because men are in college they are there for the purpose of avoiding the draft. Thousands of such men immediately responded to the call in both world wars, before machinery existed to take them into service.

Mr. LAUSCHE. I am glad to have the Senator say that. I concur.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. SYMINGTON. The reason the point was raised is that there was a radio broadcast which at least implied that people would be exempted or deferred if they planned to go to college. The question was raised several times in the committee.

I doubt very much whether that broadcaster is administering any part of the selective service law. I did not hear the broadcast. There is nothing in the law that would permit that. Of course, Congress would not stand for it. I will read the provision of the law:

Deferments may be authorized by the President for persons—

That is, it is on an individual basis—

in any category of industry, agriculture or other employment whose activity in study, research, medical, dental, scientific (and some additional endeavors) is found to be necessary to the maintenance of the national health, safety, or interest. The President cannot, however, defer all persons in any individual category. Deferment must be on the basis of individual status.

A deferred person remains liable for induction until he is 35 years old. Even the President cannot defer all persons in a particular status.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. Is it not also true that college boys generally would not be affected by the bill, in the first instance, to the degree that older men between the ages of 23 and 26 would be? It is my understanding that the draft now is taking men between the ages of 23 and 26 rather than younger men.

So a boy who ordinarily is in college between the ages of 18 and 22 would not be affected to the same degree as would men who are out of college.

I should like to say to the Senator from Ohio [Mr. LAUSCHE] that the chairman of our committee is a very modest man, and he did not call to the attention of the Senator from Ohio the fact that yesterday he emphasized as strongly as anyone could emphasize to the Secretary of Defense that he believed that the new law should be administered as fairly and as equitably as possible, regardless of where the boy might be, what type of boy he might be, or where he might be studying. I emphasize that the bill would apply mostly to boys between 23 and 26, from my understanding of the situation at the present time.

Mr. RUSSELL. I believe the average age of young men being drafted today is approximately 23.

Mr. SALTONSTALL. Yes.

Mr. RUSSELL. Of course, only a small number are being drafted. Last year, as I recall, we drafted about 100,000 men, whereas approximately 450,000 other men entered the service by enlistment. By enlistment they could enter the branch of the service of their choice. Of the approximately 550,000 recruited, only about 100,000 were actually inducted under the selective service law.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HOLLAND. Under the proposed legislation would there be any change in the manner of selection of doctors and dentists to be called back into service?

Mr. RUSSELL. The joint resolution would not amend the selective service law in any particular.

Mr. HOLLAND. Would the method of choosing doctors and dentists under which they have been called be changed?

Mr. RUSSELL. We will still have in existence the selective service law, under which we can draft doctors up to the age of 35 years at the present time.

Mr. HOLLAND. Under the machinery of the selective service laws, doctors from that group are selected in various areas and attempts are made to adjust the taking of such doctors in a way as to affect the civilian population least.

Mr. RUSSELL. We have been living under that procedure for a long time. A doctor practicing in a rural county can nearly always obtain a deferment until another doctor can be brought into the community. I think the rule of reason has been pretty well applied in its application to doctors and dentists who are drafted.

Mr. HOLLAND. The doctors' draft has not changed in any way.

Mr. RUSSELL. Not so far as concerns the age requirements. The term of duty of anyone who is now in the service may be extended for 12 months if the President wishes to do so. There is that much change provided for.

Mr. HOLLAND. So far as the procurement of new doctors and dentists is concerned, the same methods that have been found adequate for some years will be followed without change?

Mr. RUSSELL. The understanding of the Senator from Florida is the same as my own.

Mr. CASE of South Dakota. Under the provision of section 2 would it not be possible to extend the period of service of a doctor or a dentist by 1 year?

Mr. RUSSELL. Yes. I just stated to the Senator from Florida that such extension could be made. I said that is the only change that I knew of that the joint resolution would make. The President could extend by 12 months the service of any doctor or dentist now in the service.

Mr. CASE of South Dakota. While I am on my feet, with respect to section 2, the phrase appears, "notwithstanding any other provision of the law." Does the chairman state for the record as his interpretation that the only law which would be abrogated is that law or those laws which relate to the period of time or length of service?

Mr. RUSSELL. The Senator has certainly stated my understanding, and the fact that the provision limits the proposal to expire on July 1, 1962.

Mr. CASE of South Dakota. I think that provision is important also.

Mr. RUSSELL. We do not define, in the bill, any emergency. We do not declare a legislative emergency.

Mr. SALTONSTALL. That is what the interpretation means.

Mr. RUSSELL. Yes.

Mr. CASE of South Dakota. The extension of time factor in the enlistment contract or duty contract, whatever it may be, may be exercised by the Secretary of Defense only upon authorization of the President?

Mr. RUSSELL. The Senator is correct. Of course, undoubtedly, so far as the power is concerned, under section 2 the President would have the authority—the naked power—to extend the term of service of every person now in the armed services by 12 months.

Mr. CASE of South Dakota. Regardless of his age.

Mr. RUSSELL. The Senator is correct.

Mr. CASE of South Dakota. Or anything else.

Mr. RUSSELL. The Senator is correct. I mean if the person is physically qualified for duty.

Beyond these provisions, the committee hopes that to the extent this action is consistent with requirements in the present circumstances, priority in the selection of members for ordering to active duty under this resolution will be given to those reservists who have not performed active duty other than 6 months of active duty for training and to those reservists who have been in a drill pay status and thus have been compensated for their participation in the Reserve. The committee is aware that it will not be practical to follow this guidance without exception, especially in those cases in which entire units may be required on active duty. Nonetheless, one of our objectives has been to create a Reserve composed largely of persons who have not fought a war or served long periods on active duty. Many members of the Senate will recall the many hardships and inequities that were necessary during hostilities in Korea when there was no choice except to mobilize reservists who were veterans of World War II.

Section 2 of the resolution contains discretionary authority for the extension for not more than 12 months of enlistments, appointments, and other periods of obligated service that otherwise would expire before July 1, 1962.

Let me stress that this is not a wholesale extension of all such periods of obligated service by operation of law. The Secretary of Defense assured the Committee that this authority will be selectively and sparingly used to avoid the loss of trained personnel for whom no satisfactory replacements are immediately available. There is no intent to use this authority to avoid actions to

procure the necessary personnel by other means. Inductions will be increased, enlistments will be increased, and additional junior officers will be procured.

At the present time some of the young men who come out of college ROTC serve only 6 months. It is wholly likely more of them now will have to do 2 years of duty owing to the increase in size of our forces and the building up of three additional divisions. Despite these steps, there are some persons whose obligated service would otherwise expire before July 1, 1962, and whose services the Armed Forces can hardly afford to lose in the situation that immediately confronts us.

The extension is limited to about 12 months, because we regarded that as being adequate time for the Army to train a replacement for any man who might necessarily be held over because he was a specialist.

Another purpose of section 2 is to permit an extension of the periods of active duty for training that are performed by the Reserve members and units not on active duty. Ordinarily, the length of such active duty for training is not more than 15 days annually. The Secretary of Defense testified that the authority of section 2 may be used to extend the length of such periods of active duty for training by 2 to 4 weeks above the period now required.

As all Senators know, those members of the Ready Reserve who are attached to units and are in a pay status now are required to do 15 days of active duty each year. The provision of law to which I refer would give the Secretary of Defense authority to extend that period of training without calling them to active duty. There is no intention to extend it indefinitely.

Mr. CASE of South Dakota. Let us nail that down a bit.

Mr. RUSSELL. Yes.

Mr. CASE of South Dakota. Under the language of the joint resolution, he could extend that training period by 12 months.

Mr. RUSSELL. Yes; he could.

Mr. CASE of South Dakota. But what the Chairman is saying is that the Secretary of Defense in presenting the joint resolution indicated that he might expect to use it to extend the training period from 2 weeks to 4 weeks. Is that correct?

Mr. RUSSELL. He said he would not in any case extend it for more than 4 weeks, over what it is now. The Secretary of Defense, if he acted otherwise, would be guilty of a breach of faith with the Senate of the United States and with an arm of the Senate, its Committee on Armed Services.

Mr. CASE of South Dakota. I believe this is important legislative history.

Mr. RUSSELL. I agree with the Senator. I have great confidence in the Secretary of Defense.

Mr. CASE of South Dakota. So do I.

Mr. RUSSELL. I do not expect him to break his word.

Mr. CASE of South Dakota. I am sure he would not do other than act in accordance with the assurance he gave the committee.

Mr. RUSSELL. He could extend the period by 12 months.

Mr. CASE of South Dakota. But he does not expect to increase it for more than 4 weeks.

Mr. RUSSELL. Yes. If the big bell were to ring, of course everyone in the Active Reserve, whether Standby or Ready, would be called. If conditions do not worsen, in my opinion there will not be more than 100,000 persons called under the provision in the bill authorizing the ordering of the Reserves to active duty. The training time of the National Guard and Reserve divisions will probably be extended by 2 to 4 weeks.

In my individual opinion it should be extended by 2 weeks. These men have all had at least 6 months of active training with troops. However, the 2 weeks they spend now is not sufficient to get them into the physical condition which they should be if they are to respond immediately.

Mr. CASE of South Dakota. Mr. President, will the Senator yield further?

Mr. RUSSELL. I yield.

Mr. CASE of South Dakota. Will the protection which is ordinarily afforded to the National Guardsman who is on active duty for training for 2 weeks or for a 15-day period during the summer, with respect to his job, carry over to the tour of extended active duty?

Mr. RUSSELL. There is not the slightest doubt in my mind that he will retain every reemployment protection that he has under existing law. The Senator is one of the most active members of the Armed Services Committee, and he knows how diligently we have safeguarded those rights.

Mr. CASE of South Dakota. It is important that we give assurance to the National Guardsmen that they will have job protection.

Mr. RUSSELL. They will have every protection they have under existing law.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HOLLAND. I have had an opportunity to talk not only with the distinguished chairman of the committee, but also with other members of his committee about the importance, as I see it, of giving recognition for previous service by members of the Reserve, especially those who have established themselves in their profession or calling, by using, in the first instance, members of the Reserve who have not had wartime service or any service except training.

Mr. RUSSELL. The Senator is correct.

Mr. HOLLAND. I, therefore particularly commend the distinguished chairman and his committee for that paragraph in their report.

Mr. RUSSELL. So much time has elapsed since World War II that any man who is in the Ready Reserve and who has served in Korea or in World War II is there voluntarily because he wants to be there and because he asked to be there; otherwise he would have been transferred to the Inactive Reserve before this.

Mr. HOLLAND. I appreciate that fact. I appreciate even more the paragraph in the committee report which begins with the sentence:

> One of the longstanding objectives of the committee has been the creation of a Reserve composed largely of persons who had not previously fought a war or served long periods of active duty.

Mr. RUSSELL. That is correct.

Mr. HOLLAND. I ask the Senator from Georgia if he agrees that the paragraph should be printed in the RECORD at this time.

Mr. RUSSELL. Yes.

Mr. HOLLAND. I express for myself and for every Member of the Senate who is not a member of the committee appreciation for this fact, because we all saw many unnecessary hardships visited upon members of the Reserve because of the failure to recognize this important principle during the Korean catastrophe.

Mr. RUSSELL. Not in 40 years of public life have I suffered the agony that I suffered when I saw men who had fought in World War II called from wives and young children and businesses that they had started, to go to Korea. Some of them had had service in World War II for as long as 5 or 6 years. For that reason I dedicated myself to the enactment of laws for the Reserves which would more fairly distribute the duty of every citizen of this country to defend it in time of peril.

Mr. HOLLAND. For that attitude on the part of the distinguished chairman and his committee I congratulate them warmly. I ask unanimous consent that the paragraph I have mentioned be incorporated in the RECORD at this point, with the approval of the Senator from Georgia.

Mr. RUSSELL. I am happy to have that done.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

> One of the longstanding objectives of the committee has been the creation of a Reserve composed largely of persons who had not previously fought a war or served long periods of active duty. One of the principal purposes in establishing the 6-month training program was the creation of such a Reserve. In an attempt to distribute equitably the responsibilities of military service, the committee hopes that to the greatest extent consistent with military requirements the members of the Ready Reserve who are ordered to active duty under the authority of this resolution will be those whose previous active service has been limited to 6 months of active duty for training and to those who have been in a drill pay status in the Reserve.

Mr. RUSSELL. Mr. President, we all hope and pray that it will not be necessary even to use the rather modest powers which are granted by the joint resolution. However, no one knows what the future holds. That is particularly true when we are dealing with people who have a totalitarian form of government, under which the destiny of 200 million people is committed to one man.

I was shocked to read the other day that the Ambassador from the Soviet Union, Mr. Menshikov, was quoted as having stated that in his opinion the

American people would not fight to discharge their responsibilities in a measure to defend the liberties that differentiate our society from that of any other under the canopy of God's heaven.

I say with the utmost solemnity that I hope further investigation will be made before Khrushchev acts on any such statement, because he could not make a more tragic error than to mistake, perhaps, a too great tolerance of the American people for cowardice or unwillingness to fight and, if need be, die should occasion arise.

Kaiser Wilhelm made the mistake of underestimating the willingness of American people to fight. Hitler made it, too, and as a result he died in a bunker outside Berlin. I hope Khrushchev will profit by their example.

We in this country will go to any length to avoid war. But when it comes to a question of surrendering our honor or our freedom, in my opinion Americans still have the will to fight and the will to assemble the means to fight. If we are forced into a war, whatever it takes, even though all the casualties will not be on the battlefront, and though they may be counted in the millions, once we are committed to it we will see it through to victory.

I hope that that will not happen, because even with a victory gained by us, the civilization we have today would be a shambles.

While there is certainly no sense of glee or exhilaration in taking the precautionary actions contemplated under this resolution, neither should there be any feeling of despair. Much has been spoken and written in recent years about a tendency to overstate our national accomplishments and potentialities. I do not agree. My own view is that the almost limitless spirit and determination of our people are still being underestimated. Approval of this resolution will be another manifestation that the American people understand the significance of the crisis that is being forced upon us and that we will respond with all our resources.

Mr. HOLLAND. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. HOLLAND. I know there is concern among some young Reserve officers who are married and have assumed obligations in connection with the purchase of homes as to whether or not anything comparable to the Soldiers' and Sailors' Civil Relief Act, which was applicable during World War II and the Korean war, would be applicable at this time to men called up among the 250,000.

Mr. RUSSELL. I am confident that law is still in effect. If it has been repealed, I have no knowledge of it.

Mr. HOLLAND. The Senator thinks it is a permanent law, does he?

Mr. RUSSELL. Yes, I believe it is permanent legislation. If it is not, it certainly should be reenacted.

Mr. HOLLAND. I thank the Senator. The young men who are now to be called are entitled to know that advantage will not be taken of them in important matters such as the foreclosure of mortgages on their homes by reason of their service.

Mr. RUSSELL. Under a political system such as ours, I think we may safely assure any young man who may be called to service under this act that he will have all the protection of the laws that this country has always afforded its soldiers, sailors, and airmen in time of war.

Mr. HOLLAND. I am certain that that statement by the distinguished chairman of the committee will be reassuring. I feel, as he does, that Congress would speedily enact such legislation if it were found to be necessary. I thank the chairman.

Mr. CASE of South Dakota. Mr. President, I offer my amendment which is at the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, add a new section to read as follows:

SEC. 3. The Secretary of Defense is authorized and directed to establish (1) a lump sum incentive payment which shall recognize prior service in an active duty status for those persons who volunteer and are accepted for twelve months extended duty in the categories desired for the purposes of this Act and (2) a schedule of extended duty pay which shall be applicable to all persons who serve additional active duty periods under the authority of this Act. Compensation provided under the authority of this section shall not be construed to impair any compensation, entitlement, or emolument to which the person may be otherwise entitled. In establishing such schedules, the Secretary shall give consideration to the character and length of prior military service on active duty and to the incentives which are offered for full-term reenlistments.

Mr. MANSFIELD. Mr. President, will the Senator from South Dakota yield?

Mr. CASE of South Dakota. I yield.

Mr. MANSFIELD. Mr. President, I desire to propound a unanimous-consent request. I do so after having discussed the proposal with the chairman and the ranking member of the Committee on Armed Services and the distinguished Senator from South Dakota, the author of the amendment now before the Senate.

I ask unanimous consent that there be allotted on this amendment and all amendments thereto, 30 minutes, 15 minutes to a side, half of the time to be under the control of the distinguished Senator from South Dakota, and half of the time to be under the control of the chairman of the committee, the distinguished Senator from Georgia [Mr. RUSSELL].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the agreement is entered.

Mr. CASE of South Dakota. Mr. President, I yield myself 5 minutes.

At the outset, I wish to say clearly for the record that I recognize as well as anyone else that when we provide for more ships, more planes, and more trucks, more men are required to operate them. It does not merely take men; it takes trained men. So regardless of the decision with respect to this particular amendment, I expect to vote for the passage of the joint resolution.

I do not believe the country can take the general position it is taking without preparing for eventualities. However, the amendment I have presented can be simply stated in this way. It seeks to provide a way in which reservists who would like to volunteer for the 12 months of special duty may volunteer and have consideration of their availability in the hope that they would provide most of the 250,000 who might be wanted.

The second purpose of the amendment is to make possible longevity pay applied to a 12-month extension of duty. Today, under the general laws applicable to service, if a person volunteers or extends his period of duty for a regular enlistment period, he is entitled to receive a reenlistment bonus. If his service is extended for a regular period of service, he is entitled to a certain amount of longevity pay.

My amendment merely makes it possible to pay a bonus for voluntarily extending Reserve duty and have it limited to the 12-month period, or to have a reenlistment bonus recognized for a 12-month extension of duty and to make possible longevity pay where the extension of service is only for 12 months, rather than for 2 years or 3 years or 4 years or 6 years, as the case might be, under the regular requirements for reenlistment periods.

It should be noted that the control of what that amount might be, either for the reenlistment or the extension-of-service bonus or for the longevity pay, would be in the control of the Secretary of Defense, who, in establishing such schedules, would give consideration to the nature and length of prior military service on active duty and to the incentives which are offered for full-term reenlistments.

I reserved the right, so to speak, yesterday in the full committee to offer the amendment, because there was no opportunity at that time to get some of the information I needed with respect to the numbers involved, or to get testimony with respect to the application of existing law before the committee should report the joint resolution. I voted against reporting the measure, stating, as I did so, that I desired time in which to prepare the amendment which I have now submitted.

I submitted the text of the amendment to the distinguished chairman of the committee and also to the Department of Defense during the afternoon, as soon as it was possible to draft the amendment and have copies made. This morning I received a letter from the Assistant Secretary of Defense for Manpower, signed by Mr. Carlisle P. Runge, commenting upon the text of the amendment.

Mr. President, I ask unanimous consent that the letter may be printed at this point in the RECORD, so that all Senators may have the opportunity to refer to it.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 28, 1961.

Hon. FRANCIS CASE,
U.S. Senate.

DEAR SENATOR CASE: The Secretary of Defense has asked that I submit the views of the Department of Defense concerning your amendment to Senate Joint Resolution 120

which, in effect, directs the Secretary of Defense to provide a lump-sum payment for those who volunteer for and serve 12 months' active duty in a needed category and a schedule of extended duty pay for those who serve additional active duty under the resolution, presumably whether voluntarily or not.

The Department of Defense must oppose this amendment for the following reasons:

1. This amendment would be extremely costly and in our judgment would not provide any beneficial result or add any incentive to the purposes of the joint resolution. In fact, we perceive a very detrimental and deleterious result should such an amendment be adopted. The Military Establishment exists, and the members who are part of it serve, for the very purpose for which this resolution is intended. They do not expect nor would it be right to grant them extra payment to meet a requirement and a duty for which all of them are trained and prepared to perform.

2. The payment of extended duty pay in consideration of involuntary extension of active duty in a situation of unknown duration would result in marked discrimination among servicemen, for it is based solely on the fact that their terms of service happen to expire during the effective period of this resolution.

3. If the provisions of paragraph 2 are meant to apply to members of the Ready Reserve who have an obligation to serve on active duty which has been imposed by statute or which has been assumed voluntarily, the payment of special scales for those who serve additional active duty is inconsistent with the basic concept of the Ready Reserve.

4. If on the other hand, the provisions of paragraph 2 apply only to those whose active service extended under section 2 of the joint resolution, then the amendment would discriminate against the ready reservist ordered to active duty. For example, many ready reservists have had 2 years of active duty some time past. Such reservists would not receive extended duty pay while another individual who has currently served only 6 months would receive the extended active duty pay.

5. The Congress traditionally has provided equitable benefits for individuals who have served in wars or emergencies, but has provided such benefits at a time when the nature of the service could be accurately evaluated and when the benefits could be placed on an impartial basis. This amendment unfortunately satisfies neither of these criteria.

In short, it is our opinion that such an amendment would have a serious and profound effect as a precedent which this Department cannot support. That is, during times of need, we cannot use financial compensation as a rallying cry to stimulate voluntary extensions of duty or to recognize extended active duty when we have a demanding national security requirement.

I trust that the reasons set forth above will in some measure portray our strong feelings against the amendment.

Sincerely yours,

CARLISLE P. RUNGE.

Mr. CASE of South Dakota. Mr. President, I wish to comment upon the Secretary's reply in this respect. I have had the feeling that the operation of the selective service law has not achieved the universality of service which the chairman this afternoon said was a desirable objective. I agree with him 100 percent that there should be universality of service when it comes to the defense of one's country. I do not like the various loopholes and exemptions which have been developed and the way in which they have been operating. Last year, about 1,200,000 men were enrolled under the Selective Service Act. Actually, about 100,000 were drafted; 400,000 found their way into the military service through some other form, such as enlistment. This means that a large number of men who are registered annually never see military service.

I myself believe that if the period of liability were reduced from age 35 to age 26 or 27, the period of responsibility could be sharpened. However, we are not here dealing with the provisions of the Selective Service Act itself, except as to the time period.

What is proposed in the joint resolution now before us is a unilateral revision of the enlistment or service contract, so far as time is concerned. The Government would say by the joint resolution that the President will have the authority to delegate to the Secretary of Defense the power to extend unilaterally any period of service by an additional 12 months. The man who is in the service will not be consulted. The extension will take place under the authority of the act.

It has seemed to me that if that is done, then we ought to give that man, for the 12 months' extension of service, longevity pay, so to speak, which would be consistent with the longevity pay he would get if he reenlisted for a 2-year period or a 3-year period, or extended his service voluntarily under the various categories of service.

All my amendment really proposes is that there be the opportunity to have a reenlistment bonus or an extension of service bonus or a lump-sum payment under clause 1, and longevity pay under clause 2.

I hope the amendment will be accepted and taken to conference, for an opportunity to arrive at whatever modifications or improvements might occur to the Department of Defense or to the conferees.

Mr. President, I reserve the remainder of the time available to me.

Mr. RUSSELL. Mr. President, I yield 4 minutes to the distinguished Senator from Massachusetts [Mr. SALTONSTALL].

The PRESIDING OFFICER (Mr. METCALF in the chair). The Senator from Massachusetts is recognized for 4 minutes.

Mr. SALTONSTALL. Mr. President, I thank the Senator from Georgia for yielding to me.

Let me state that I joined with the Senator from Georgia in reporting the joint resolution to the Senate, following the request of the President of the United States.

Mr. President, there is no more patriotic citizen than the Senator from South Dakota [Mr. CASE], and there is no more careful, conscientious Member of the Senate than he. Certainly I know that in offering this amendment and in voting against the joint resolution in the committee, he acted sincerely, because he felt it could be made fairer to those who have to serve. I realize that his motive was entirely a patriotic one.

Mr. President, I am opposed to the amendment for several reasons, which I shall state briefly.

First, we build up the Ready Reserve for exactly the purposes for which the President is requiring these men to serve at the present time. They are paid as reservists, to be ready to be called to active duty if the situation requires it.

The Senator from South Dakota has placed in the RECORD a letter from Carlisle P. Runge, of the Office of the Secretary of Defense. That letter very strongly opposes this amendment.

At this time I should like to place in the RECORD a memorandum I received this morning from Mr. Runge, at my request. It is entitled "Ready Reserve Not on Active Duty." It reads as follows:

Ready Reserve not on active duty

	Ready Reserve	Drill pay status	Paid training status	
			Active duty for training only (15 to 30 days)	Total paid status
Army National Guard	402,037	395,949	None	395,949
Army Reserve	1,032,841	301,723	51,300	353,023
Naval Reserve	477,880	129,716	3,885	133,601
Marine Corps Reserve	208,427	42,435	2,400	44,835
Air National Guard	70,932	70,932	None	70,932
Air Force Reserve	209,030	63,906	7,505	71,411
Grand total	2,401,147	1,004,661	65,090	1,069,751

The table shows that at the present time, 1,004,661 of these men are on a drill pay status. As I understand, they are paid for 48 different training periods in the year, plus a 15-day camp period once a year.

There are also on paid training status active duty, for from 15 to 30 days each year, 65,090 more men; and at the present time, of the total of 2,401,147, 1,069,751 are being paid either for 15 days of service or for 48 drill periods, plus 15 days.

It seems to me that these men, particularly those who are being paid for 48 drills, are being called to active service fairly, because they went into the Reserve with the idea that they might be called at some time.

It seems to me that answers in a very broad way, but a very clear way, the amendment proposed by the Senator from South Dakota.

Mr. CASE of South Dakota. Mr. President, will the Senator from Massachusetts yield?

Mr. SALTONSTALL. I yield, if the Senator from Georgia will yield sufficient time to me.

Mr. RUSSELL. I am glad to do so; I yield 3 more minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The time first yielded to the Senator from

Massachusetts has expired. The Senator from Massachusetts is now recognized for 3 additional minutes.

Mr. CASE of South Dakota. The lump-sum incentive payment would not be applicable to all these men, under the amendment. It would be applicable only to those who have had prior service in an active duty status. The reservist who has gone into the Reserves after a 6-month period of training or the man in the National Guard who has never had any active-duty training would not be eligible to receive the lump-sum incentive payment under clause I of the amendment. The lump-sum incentive payment would be available to those who have had prior service in an active-duty status.

Mr. SALTONSTALL. However, Mr. Runge points out, in his letter, as I read it, that it is not clear whether paragraph 2 is meant to apply to members of the Ready Reserve who have an obligation to serve on active duty, under statute, or whether the amendment applies only to those whose active duty service is extended under section 2.

The Secretary of Defense, in answer to a question by me, said very frankly that a man might have his period of time run out on June 29, 1962, with only 2 days more to serve, and then have to serve another year, under this joint resolution; and he agreed that perhaps that was not as fair as the joint resolution would be to another man.

But I say most respectfully to the Senator from South Dakota that we know that no law can be entirely fair when it applies to people—and especially so, in this case, when their Government requires them to enter the service. We know that was true under the draft law in both World War I and World War II; and there will be a certain amount of unfairness in connection with this resolution when it becomes law.

But as I see the situation now, essentially—and I think this is the answer to the Senator from South Dakota—a million reservists are paid for 48 drills a year and 2 weeks of service; and they are now being required to go on active duty, at a time when the Commander in Chief, the President of the United States, believes they should be called to active duty. I think that is really the answer to the amendment of the Senator from South Dakota.

Mr. CASE of South Dakota. I have no objection to that. I merely suggest that those who have had prior active-duty service be offered a lump-sum incentive payment if they want to volunteer to meet this special requirement.

The PRESIDING OFFICER. The time yielded to the Senator from Massachusetts has again expired.

Mr. RUSSELL. Mr. President, I desire to say only a few words on the amendment. It is unnecessary for me to state the respect I have for the distinguished Senator from South Dakota. He is one of the most valuable members of the Armed Services Committee. His "nose" for legislative errors truly amazes me.

But, Mr. President, this is one time when I feel that the distinguished Senator from South Dakota has fallen into a very grave error and has not fully thought through the amendment he has proposed.

In the first place, the Department of Defense points out, very properly, that this amendment would be most difficult to administer and would be costly.

We have in the armed services persons who are serving under three or four different situations. Some are there to do 6 months' active duty and then go into the Reserves for 7½ years. Some are there for 2 years, and have 2 years of Ready Reserve duty hanging over them.

Members of the National Guard, in their unusual position, are now required to do 6 months of active duty for training.

Certain young men enlist for 4 years because they prefer the Air Force or the Navy or the Marine Corps.

I point out one of the inequities which could flow from this amendment: Two young men, living in the same town, across the street from each other, might decide to discharge their military obligation by serving in the Air Force. One of them would take the 6 months' route, with a 7½ year Reserve obligation in the Ready Reserve. The other might enlist for 4 years. One would have completed his 6 months' service and would be at home. The other would have done 6 months' service, and would be on active duty in the Air Force for 3½ years more. Under the amendment, if we called up the man who had done 6 months and had gone home and was going about his business, he would get the bounty. The other man, doing the 4 years regular duty in the Air Force, would not get even a extra thin dime.

So the effect of the amendment of the Senator from South Dakota would be to discriminate against young men who have enlisted for 3 or 4 years and are today meeting more than their fair share of military responsibility.

We are not going to fail in our obligation to those men. We have not always paid them what we should initially, but no nation in all history has been as generous to returning servicemen as has the United States.

This amendment would only clutter up the bill and impose a cumbersome, costly system, and in many cases reward with a bounty a man who had done less active duty for the country.

The amendment should be rejected.

Mr. CASE of South Dakota. Mr. President, I yield myself 5 minutes.

When one engages in a debate with the distinguished and experienced chairman of the committee, the Senator from Georgia, he should be aware of these disarming compliments. It throws a man off balance to be told he has a "nose" for legislative errors.

Mr. RUSSELL. If the Senator will indulge me, this is the exception that proves the rule.

Mr. CASE of South Dakota. With that generous attitude taken by the chairman, I trust he will not object if I feel the error in judgment rests elsewhere than with the Senator from South Dakota, for I do not feel that the discrimination, in the case of the two boys cited by the Senator from Georgia, could exist.

The amendment proposes that the Secretary be directed to establish a schedule of extended duty pay, and it directs that the Secretary, in establishing such schedules, shall give consideration to the character and length of prior military service on active duty. I cannot conceive that the Secretary of Defense, in giving consideration to the character and length of prior military service, would establish a schedule which would give the man with 6 months' prior service pay that would be out of harmony with what the man who served for a 4-year period would get.

I think the Assistant Secretary of Defense, Mr. Runge, in his analysis of the amendment, was in error. We give a bonus today to a man who will reenlist for the full term of the reenlistment period. If that were taken into consideration, and if this extension of service bonus were paid in proportion, it could not be very costly. If it were extended for 1 year, he would merely be given a bonus that would be consistent with that period.

In the next paragraph of the letter of the Assistant Secretary of Defense, he says:

> The payment of "extended duty pay" in consideration of involuntary extension of active duty in a situation of unknown duration would result in marked discrimination among servicemen, for it is based solely on the fact that their terms of service happen to expire during the effective period of this resolution.

That is hardly correct. The extended duty pay is the equivalent of longevity pay which is a part of the established Defense Department policy.

The defect in the present law that this amendment seeks to correct is that there is no longevity pay for extension of 1-year duty. The comment of the Secretary is that instead of paying for 1 year it extend involuntary periods of service to periods of unknown duration.

I hope it is not true that it will be a period of unknown duration for the joint resolution before us refers to a 12-month period.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. CASE of South Dakota. I yield.

Mr. SALTONSTALL. It seems to me that the result of the amendment of the Senator from South Dakota would be to pay a bonus to a man to serve, presumably—we hope—for not more than 1 year when he is already on a pay basis to do just that; whereas what we want to do by bonuses is to build up a long term of service for experienced men in our Armed Forces. As one who sat with the subcommittee on pay a few years ago, I can say that the whole idea was to get experienced men into the Armed Forces. That is why we paid bonuses for reenlistments. That is why we paid more. If we apply that payment to the Ready Reserve, we violate the whole principle.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE of South Dakota. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from South Dakota has 3 minutes remaining.

Mr. CASE of South Dakota. I yield myself the 3 minutes.

Again, I think that criticism fails to understand the situation. It is not being proposed to pay a man for doing his duty if he wants to provide one of the skills or categories that are needed. If we want him to enlist, we give him a lump-sum incentive payment for coming in voluntarily, the same as if he came in for 2 years or 4 years.

Under the present law, he gets a bonus if he comes in for 2 or 4 years. The proposal is to prorate the payment, for coming in for 1 year, to men who are free to come in, and thereby give them a token payment. I do not suppose it would amount to $100. But if it would be worthwhile for him to volunteer that way, it would be worthwhile to make the payment.

I have the feeling, when we think of manpower pools, that we tend to think of them as stockpiles. Figures and answers that come from the Pentagon make me feel that they are professionalized in terms of statistics. I like to think there is a personal problem involved when a man is called back to active duty. After he has gotten into a business and has begun to raise a family, a personal issue is involved. I should like to recognize it as a personal problem. If the Government is to extend the period unilaterally for 1 year, and do it regardless of the character or kind of service rendered, section 2 is wide open. If the Government is unilaterally to add another year of service to the required period of enlistment or induction, I should like to see the man rendering that 1 year additional service receive some longevity pay that would bear some relationship to what he would get if he were serving 2, 4, or 6 years, under a regular enlistment period.

I hope the amendment will be adopted.

Mr. RUSSELL. Mr. President, how much time have I?

The PRESIDING OFFICER. The Senator from Georgia has 5 minutes remaining.

Mr. RUSSELL. Mr. President, because of the unusual interest that will attach to the draft, since it will be stepped up, I ask unanimous consent to have printed at this point in the RECORD, starting on page 2 and ending on page 5, an excerpt from the committee report on the last extension of the draft in 1959.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

THE DRAFT

Legislative history

Public Law 51 of the 82d Congress, which amended the Selective Service Act of 1948 and changed its name to the Universal Military Training and Service Act, was enacted on June 19, 1951. Approved during the Korean war, the purpose of this act was to raise immediately the manpower necessary to build and maintain an armed force of the size determined by the Joint Chiefs of Staff to be our minimum security requirement and to provide for the maintenance of an adequate force of trained Reserves for the future security of the United States. Under section 17(c) of the act, no person is to be inducted after July 1, 1959, except deferred persons whose liability continues after this date.

The Selective Service Act of 1948 was approved after the President reported that the Armed Forces had been unable by voluntary recruitment to maintain the active-duty strength required by a deterioration in the international situation. Despite extensive recruiting efforts, the Armed Forces at that time numbered 1,384,000—considerably below the desired strength of slightly more than 2 million, but still the largest voluntary force in the history of the Nation. In the first 6 months after enactment of the 1948 act the Armed Forces recruited 200,000 more men than were recruited in a similar period before the act was approved. Because of this stimulating effect on enlistments only 30,129 men had to be inducted between enactment and June 30, 1950.

Major features of the present system

Training and service: In brief, the Universal Military Training and Service Act provides that all male persons in the United States must register with their local boards at age 18; that those between the ages of 18½ and 26 are liable for training and service in the Armed Forces; that they may not be rejected for physical or mental reasons if they meet minimum standards (the President may modify these standards except in time of war or national emergency declared by the Congress); that each person inducted shall be given full and adequate military training for no less than 4 months; and that no inductee shall be assigned to duty outside the United States, its territories, and possessions until he has the equivalent of at least 4 months of basic training. The period of service for persons inducted is 24 months except that the Secretary of Defense has authority to provide for their earlier discharge or transfer to the Reserve. A registrant may enlist in the Regular Army for 2 years instead of being inducted and within quotas established for their local boards registrants between the ages of 18 and 26 may volunteer for induction. (A person over the age of 17 may volunteer for induction with the written consent of his parent or guardian.) Section 651(a) of title 10, United States Code, the provisions of which were formerly contained in the Universal Military Training and Service Act, requires that persons entering the Armed Forces after August 9, 1955, must serve on active duty and in a Reserve component for 6 years.

Deferments and exemptions: Deferments may be authorized by the President for persons in any category of industry, agriculture, or other employment, or whose activity in study, research, medical, dental, scientific, and some additional endeavors is found to be "necessary to the maintenance of the national health, safety, or interest." The President cannot, however, defer all persons in any particular category; deferments must be made on the basis of individual status. A deferred person remains liable for induction until he is 35 years old.

Deferments are also authorized for persons with children or with dependents (other than wives alone, except in cases of extreme hardship), for college students to permit them to complete an academic year when they have been ordered to report for induction during that year, and for high school students until their graduation, reaching age 20, or until they stop satisfactory study, whichever first occurs. Certain Federal and State officials may be deferred, as well as persons who join National Guard units before reaching the age of 18½ if they continue to participate satisfactorily. Persons enrolled in the senior division of the ROTC program are also eligible for deferment.

Exemptions (as contrasted to deferments) are authorized for members of the Armed Forces on active duty, cadets and midshipmen at service academies, students in officer procurement programs in military colleges approved by the Secretary of Defense, ministers and students of the ministry, sole surviving sons, veterans (as defined in the law), and persons who were in Organized Reserve units on February 1, 1951, and who have continued to serve satisfactorily.

Selection: As soon as practical after registration each registrant must be classified to determine his availability for induction. The classification process is the key to the induction process. Classification must be accomplished in the spirit of the act, which is that "in a free society the obligations and privileges of serving in the Armed Forces and the Reserve components thereof should be shared generally in accordance with a system of selection which is fair and just and which is consistent with the maintenance of an effective national economy."

After registering at 18, the registrant is not liable for induction until reaching the age 18½. The registrant may be eligible for deferment or exemption when classified and thus not be immediately available when he reaches the age of 18½.

The President is authorized to select and induct persons by age group or groups and to select and induct physicians and dentists. Under such authority persons who are classified as available for service are selected and inducted in the following sequence:

(1) Delinquents who have attained age 19 in the order of their dates of birth, with the oldest first;

(2) Volunteers under the age of 26, in the sequence of their volunteering for induction;

(3) Registrants between the ages of 19 and 26 who are not fathers, in the order of their dates of birth, with the oldest first;

(4) Registrants between the ages of 19 and 26 who are fathers in the order of their dates of birth, with the oldest first;

(5) Nonvolunteers aged 26 and older in the order of their dates of birth, with the youngest first;

(6) Registrants between the ages of 18½ and 19 in the order of their dates of birth, with the oldest first.

Under present conditions no local board has found it necessary to reach below the third category to fill calls. The result is that fathers are not deferred (with an attendant extension of liability for induction) but are not reached for induction.

The calls of the Armed Forces are met by quotas established for each State, territory, possession, and the District of Columbia on the basis of the number of men available for service in that particular State, territory, possession, or District, with provision for credits for registrants who are already members of the Armed Forces. Within States, territories, possessions, and the District of Columbia the quotas are subdivided among the political subdivisions in accordance with the number of men available for service in each such subdivision. In practice, quotas are determined by applying a rejection rate, based on experience, against the number of men available for service in the age groups currently being inducted. Registrants serving on active duty affect the quotas of the political subdivision from which they entered service by reducing the number of available men and, hence, the quota for such subdivision.

Results of present system

To evaluate the effects of the present system the Department of Defense conducted a statistical study of the military service status of men of draft age in this country. This study dealt not only with the current situation, but also was projected through fiscal year 1963. Findings from this study should serve to allay some popular misconceptions about the draft. These findings were reviewed and found accurate by other Federal agencies having manpower responsibilities, such as the Selective Service System,

the Department of Labor, and the Office of Civil and Defense Mobilization.

A question frequently asked is whether many young men are reaching age 26 without having performed military service. To answer this question the Defense study examined the status of men at age 26. The study showed that on June 30, 1958, there were about 1,100,000 in this age class. Of this total 770,000 had entered military service; 240,000 were not qualified for physical or mental reasons; and about 90,000 were deferred for various reasons or were eligible for deferment because they were fathers. By actual count, the number of nonfathers between ages 25½ and 26 who were classified I–A on June 30, 1958, was 647. This demonstrates that only a negligible number of qualified nonfathers had avoided military service.

The study did not stop at this point. It made extrapolations extending to June 30, 1963, the end of the period that the extension of the authority to induct would cover. This projection estimated that on June 30, 1963, there will be about 1,150,000 men at the age of 26. The estimate is that of this total 630,000 will have entered the service; 340,000 will have been found not qualified for physical or mental reasons (higher than the 195ℓ figure because mental standards recently have been raised); and 180,000 will have been deferred for various reasons or will have been eligible for deferment because of being fathers. On June 30, 1963, it is estimated that the number of qualified nonfathers between the ages of 25½ and 26 in class I–A will be less than 5,000. If this projection is accurate, and there is no reason to suspect that it is not, the conclusion is that virtually no I–A nonfather who is qualified physically and mentally and not eligible for deferment can avoid military service.

In summary, of all registrants reaching the age of 26 in 1958, 90 percent of the qualified registrants were serving on active duty or had completed their military obligation. Seventy percent of all registrants, including those not qualified, had completed, or were in the process of completing, their military obligation. For registrants reaching the age of 26 in 1963, it is estimated that 55 percent of them will have fulfilled, or will be fulfilling, their military obligation, and that almost 80 percent of the qualified registrants will have fulfilled, or will be fulfilling, their military obligation.

Such a result seems paradoxical when one considers that more than 1,200,000 young men will reach the age of 18½ each year from now until 1963 and that only about 100,000 persons will be inducted in 1959. A part of the explanation is that in an average year more than 500,000 persons enter the Armed Forces as inductees, enlistees, or in the 6-month training program. Another factor is that fathers are not being inducted; some of them are deferred for dependency reasons and others are in class I–A, but in such a low priority for induction that they are not reached under present circumstances. Still another factor is the high rate of rejection for failure to meet mental and physical qualifications. The current rejection rate for an age group as a whole is about 33 percent. Since many members of an age group voluntarily enter service, the rejection rate for the effective manpower pool is approximately 45 percent.

The committee has concluded that continuation of authority to induct persons into the Armed Forces is necessary to maintain the active-duty strength of the Armed Forces at levels required for the national defense. Although the number of persons being inducted is relatively small, and despite the fact that the Army is the only one of the Armed Forces requiring inductees, the authority to induct under the Universal Military Training and Service Act serves as a stimulus to voluntary enlistments in the other Armed Forces.

The committee recommends extension of this authority as further evidence to the world of the determination of this country to defend itself. Although the committee will continue to examine the possibilities of improving defense manpower utilization and of eliminating whatever inequities inhere in the existing system of manpower procurement, international conditions today are such that it would be foolhardy not to continue the authority to induct.

Mr. RUSSELL. I yield 3 minutes to the Senator from Missouri [Mr. SYMINGTON].

Mr. SYMINGTON. Mr. President, I thank the Senator. I shall not take 3 minutes.

As I understand the law, the concept of having reservists is that, in case of emergency, they would be available to serve. Therefore, I do not see why, if they are taken up, in effect, on their offer, they should receive supplementary pay for it.

I was obliged to leave the Chamber, but I understand the chairman of the Armed Services Committee made a point to the effect that a reservist called to active duty after having performed only 6 months of previous active duty for training would receive a supplement, but a person who earlier had enlisted for 4 years of active duty would not.

I have great respect for my friend from South Dakota, as he knows, but I think this amendment might lead to some very serious thoughts about what the Reserve force is and what it is supposed to do in case of emergency.

Therefore, I shall be constrained to vote against the amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield me 1 minute?

Mr. RUSSELL. I yield 1 minute to the Senator from Montana.

Mr. MANSFIELD. I compliment both the distinguished Senator from South Dakota for raising the question he has raised today, and in committee, and the distinguished Senator from Georgia, chairman of the Committee on Armed Services, for making clear exactly what the situation is vis-a-vis the legislation before the Senate at this time.

I think both the Senator from South Dakota [Mr. CASE] and the Senator from Georgia [Mr. RUSSELL] have performed a distinct public service, because they have made the record clear and have certainly made it more understandable from the point of view of everyone concerned.

Mr. RUSSELL. I thank the Senator.

Mr. President, I yield back any time I have remaining.

The PRESIDING OFFICER. All time has been used or yielded back. The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. CASE].

The amendment was rejected.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 120) was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

Mr. MILLER. Mr. President, in the President's speech on Tuesday night he asked for suggestions and advice. In response to this request, I delivered a speech on the floor of the Senate the following day. This appears at page 13619 of the RECORD under the caption; "Sacrifice is a Two-Way Street." One of my suggestions, Mr. President, was that President Kennedy forthwith send to the Congress a supplemental message requesting a cutback in nondefense spending programs by an amount equal to the $3.45 billion new defense spending requested by Congress and being considered by the Senate today. As I pointed out, this suggestion was designed to make sure that the President will have the wholehearted response of our people which is so vital to our national defense effort; that people who bear the brunt of semimobilization will not have cause to wonder why there is business as usual in Washington if such a cutback is asked for by the President.

I pointed out only a few minutes ago, during the consideration of the oceanography bill, that generalities about fiscal integrity asked of the Congress by the President are not enough; that what is needed is for the President himself to call upon his leaders in the Congress to discard or to reduce specific nondefense spending legislation. Unfortunately this was not done, Mr. President. And so, not having received any word from the White House to exercise restraint, the Senate passed a bill which is only indirectly related to national defense, and certainly not related at all to any conventional war which might have to be fought in Western Europe. As the distinguished minority leader pointed out, this was a "billion-dollar fantasy" of nondefense spending. Mr. President, I cannot reconcile the failure of President Kennedy to call upon his leadership in the Senate to put this bill aside, or to at least greatly reduce the spending it calls for, with his call for sacrifices on the part of the American people to support billions of dollars of additional national defense spending, on top of billions of dollars of additional spending for national defense just since January; nor can I reconcile this inaction on the part of the leader of our country with his call for sacrifices to homes and businesses by the thousands of reservists, National Guardsmen, and draftees whom he now asks the Congress to authorize him to call to duty.

Let it not be said, Mr. President, that all of these non-defense-spending programs, desirable though they may appear, are necessary to achieve the strong economy needed to support our national defense posture. If they are all essential, if every last dollar proposed for them is so vital, why would the President have called upon the Congress earlier this year to put aside those measures which are desirable in favor of those which are essential? Let it not be said, Mr. President, that putting aside or reducing some of these programs is incompatible with necessary improvements on

the homefront. The label of "necessary" does not fit all of these programs, particularly today when stepped-up defense spending has been requested. Indeed, if we try to do both, the higher taxes or inflation, or both, will inevitably weaken the strong economy needed to back up our national defense posture. I might add that what may have appeared "necessary" earlier this year could well change to the category of "merely desirable" with the change of times and international events.

In this morning's Wall Street Journal there appears a most timely and frank editorial on this whole subject under the heading: "The Missing Ingredient," calling attention to what was missing from the President's Tuesday evening speech; namely, that there was no matching firmness about the ordering of our country's economic affairs. As the editorial so well points out, these requests for new military billions come tumbling on top of a vast increase in spending for domestic programs; the President will not retreat on any of these things; on the contrary, he is constantly proposing new forms of nonessential spending; his program is austerity and sacrifice for the people, but no retrenching or discipline for the Government. And the question is rightly asked: "If the President is moving the people to acceptance of semiwar domestic conditions, why is he unwilling to sacrifice anything at all?" This editorial is followed by another one entitled "The Necessary Ingredient," which points out that a new austerity program is presently being put into effect by the British Government, trying to curb the spending and inflationary threat which that Government itself allowed to grow. I ask unanimous consent that these two editorials be printed in the RECORD at this point in my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

THE MISSING INGREDIENT

The more one thinks about the President's speech, the more striking it is that with all his firmness on Berlin, there is no matching firmness about the ordering of this country's economic affairs. That, it seems to us, is the great missing ingredient.

The military must have, the President says, nearly $3.5 billion more, making a rise of $6 billion for the Pentagon alone just since January and adding up to defense appropriations of $47.5 billion this fiscal year. In consequence, the President foresees a budget deficit of $5 billion this year, on top of nearly $4 billion for the fiscal period just ended.

Very well; if that is what the military needs, that is what it needs. Yet it is important to note that in all the reviews of the Nation's defense since January, little has turned up in the way of significant savings to offset the huge increases. This despite the fact that it is generally agreed a serious attack on military waste and duplication, quite apart from anything else, could save billions a year.

Nor is that the worst. The worst is that these new military billions come tumbling on top of a vast increase in spending for domestic political handouts and foreign aid. The President will not retreat on any of these things; on the contrary, he is constantly proposing new forms of nonessential spending. His program is austerity and sacrifice for the people but no retrenching or discipline for the Government.

The upshot is our continuing dangerous deficit in international payments, our sharply spiraling Federal budget deficits, our rapidly rising public debt. All these developments are calculated to weaken our economy at a time when it needs all its strength. In addition, as though to guarantee the attrition of inflation, our current guardians of Government are enamored of "cheap" money.

Not that the President is unaware of these consequences. He speaks of higher taxes if necessary. He says he will not hesitate to demand more control or other new powers —an ominous hint of the wage, price and other economic regimentation which is so often the politican's answer to inflation.

Of course, the people will pay the higher taxes and accept the controls if they believe national security requires it. But by that very token they are entitled to ask the President if his approach is the wise, the realistic way to build the Nation's strength for the long struggle with communism. In wartime even the Government imposes austerity on itself; if the President is moving the people to acceptance of semiwar domestic conditions, why is he unwilling to sacrifice anything at all?

Well, it is often asked, in presumed rebuttal to that question, where would the Government start retrenching? The answers are so plain they should scarcely need citing. Much could quickly be saved out of foreign aid, to the benefit of that leaky enterprise. Billions could be squeezed from the absurdly proliferating subsidies to farmers, healthy veterans, housing, and all the rest.

Taking the spending budget as a whole, more than enough could be saved to cover any new defense needs. At the same time, austerity should be applied to the illusion of artificially easy money; there should be no fear of making the proper monetary moves against inflation.

A disposition to take such courageous measures would soon solve almost all the Government's domestic and foreign financial problems, renew confidence in the dollar at home and abroad, build budget surpluses, and halt inflation; in sum, strengthen the economy. Then it would not be necessary to call for higher taxes and controls, except as a last resort.

The Government would demand austerity from the people, if necessary, only after it has applied austerity to its own ramshackle house; only after it had abandoned this frivolous attitude that anything goes, money doesn't mean anything, discipline and responsibility are for the birds.

With the rest of the Nation, we hope the President's tough talk is giving Khrushchev a good scare. But it would have been far more impressive to Khrushchev if the President had shown that this country is strengthening the economy that must support the arms. It would be infinitely better for the United States if he had not backed up foreign firmness with homefront flabbiness.

THE NECESSARY INGREDIENT

A number of items in Britain's new austerity program wouldn't appeal to Americans and, in fact, wouldn't be appropriate here. But at least when the British Government sees that it is spending too much, it does something about it.

The things it's doing include these: Some tax increases; a boost in the bank rate (comparable to our Federal Reserve discount rate, now 3 percent), from 5 percent to 7 percent; possible reductions in farm supports; and a 20 percent cut in foreign spending. By such means the British figure to boost exports, correct their international payments deficit, and avert inflation.

Though the tax increases will naturally bother Britons in the midst of their unprecedented prosperity, it should be noted that the new program as a whole is mainly a program of government austerity. It is the government which is trying to curb the spending and the inflationary threat which the government itself has allowed to grow.

Now we suppose many Americans, including those in Washington, have a certain regard for British coolness and commonsense. At any rate, the British have been through a few economic, as well as other, difficulties in their time, and this is by no means the first recent occasion when they have applied much the same remedy.

It has worked, too; timely government retrenchment is one of the ways they have preserved their highly agreeable economic well-being in the years since they junked socialism. Certainly their experience is a refutation of the theory that it is "politically impossible" to cut back a government's spending.

So our politicians could do worse than take a look across the ocean. Our cousins have sense enough to know there must be and end to government frivolity before there can be any real strengthening of a nation. To be sure, it does take political courage.

Mr. MILLER. Mr. President, the able and distinguished Senator from Mississippi [Mr. STENNIS] called attention a few moments ago to the fact that war with the Communist world is being fought on all fronts; that it is to be expected that our allies will do their share in furnishing the manpower and material needed to secure the defense of Western Europe and other spots subjected to Communist aggression; and to the inconsistency of maintaining the dependents of American oversea personnel in areas where a hot war may have to be fought. I would add only one thing to what the able Senator from Mississippi has said, and that is this: the action envisaged by this resolution is not going to have the desired effect on the Kremlin unless it is accompanied by cutbacks in nondefense spending programs. The Kremlin will readily detect the inconsistency of a call to the colors with business as usual in Washington. This is where miscalculation of our firmness could occur. The Soviets have challenged us to a period of economic competition, and in a long economic struggle with the Communist world the weakening of our economy by pyramiding defense spending increases on top of nondefense spending increases, with the accompanying increased taxes or inflation, or both, cannot have other than disastrous consequences.

In conclusion, Mr. President, it is time for the President to clearly demonstrate that this is no time for spending as usual in Washington. It is time for him to match the sacrifices he asks with sacrifices in his own domestic program so that there will be no possibility for our people to say that they are paying more taxes, feeling more inflation, leaving their homes and businesses while there is business as usual in Washington. Then, and only then, will the response of the American people be based on the inner conviction that now is the time to give the last full measure of their devotion.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the question of passage of the joint resolution.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution having been read a third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PELL], and the Senator from Massachusetts [Mr. SMITH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PELL], and the Senator from Massachusetts [Mr. SMITH], if present and voting, would all have voted "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent because of death in his family.

The Senator from Indiana [Mr. CAPEHART], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Maryland [Mr. BUTLER] is absent because of illness.

The Senator from Nebraska [Mr. HRUSKA] and the Senator from North Dakota [Mr. YOUNG] are absent on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Arizona [Mr. GOLDWATER], the Senator from Nebraska [Mr. HRUSKA], the Senator from Texas [Mr. TOWER], and the Senator from North Dakota [Mr. YOUNG] would each vote "yea."

The result was announced—yeas 75, nays 0, as follows:

[No. 111]

YEAS—75

Aiken	Engle	Miller
Anderson	Ervin	Monroney
Bartlett	Fong	Morton
Beall	Gore	Mundt
Bennett	Hart	Pastore
Bible	Hayden	Prouty
Boggs	Hickenlooper	Proxmire
Bridges	Hickey	Randolph
Bush	Hill	Robertson
Byrd, W. Va.	Holland	Russell
Cannon	Humphrey	Saltonstall
Carlson	Jackson	Schoeppel
Carroll	Javits	Scott
Case, N.J.	Jordan	Smathers
Case, S. Dak.	Keating	Smith, Maine
Church	Kefauver	Sparkman
Cooper	Kuchel	Stennis
Cotton	Lausche	Symington
Curtis	Long, Mo.	Talmadge
Dirksen	Long, La.	Thurmond
Dodd	Magnuson	Wiley
Douglas	Mansfield	Williams, N.J.
Dworshak	McClellan	Williams, Del.
Eastland	McNamara	Yarborough
Ellender	Metcalf	Young, Ohio

NAYS—0

NOT VOTING—25

Allott	Gruening	Moss
Burdick	Hartke	Muskie
Butler	Hruska	Neuberger
Byrd, Va.	Johnston	Pell
Capehart	Kerr	Smith, Mass.
Chavez	Long, Hawaii	Tower
Clark	McCarthy	Young, N. Dak.
Fulbright	McGee	
Goldwater	Morse	

So the joint resolution (S.J. Res. 120) was passed.

RELATIONSHIP OF THE UNITED STATES WITH THE REPUBLIC OF CHINA AND COMMUNISTIC CHINA

Mr. MANSFIELD. Mr. Preisdent, I move that the Senate proceed to the consideration of Calendar 585, Senate Concurrent Resolution 34.

The PRESIDING OFFICER. The resolution will be stated.

The LEGISLATIVE CLERK. A concurrent resolution (S. Con. Res. 34) relative to the relationship of the United States with the Republic of China and communistic China.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the concurrent resolution.

PROHIBITION OF TRAVEL IN AID OF RACKETEERING ENTERPRISES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 619, S. 1653.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1653) to amend title 18, United States Code, to prohibit travel in aid of racketeering enterprises.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 4, after the word "new", to strike out "section" and insert "sections"; in line 6, after the word "travel", to insert "or transportation"; on page 2, line 5, after the word "activity", to insert "and performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3) after such travel"; in line 11, after the word "liquor", to insert "on which the Federal excise tax has not been paid"; in line 19, after the word "the", where it appears the second time, to strike out "Treasury." " and insert "Treasury."; after line 19, to insert:

Sec. 2. Transportation in commerce in aid of racketeering enterprises.

(a) Whoever uses any facility for transportation in interstate or foreign commerce, including the mail, with intent to—

(1) distribute the proceeds of any unlawful activity; or

(2) commit any crime of violence to further any unlawful activity; or

(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity

and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

(b) As used in this section "unlawful activity" means (1) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics, or prostitution offenses in violation of the laws of the State in which they are committed or of the United States, or (2) extortion or bribery in violation of the laws of the State in which committed or of the United States.

(c) Investigations of violations under this section involving liquor or narcotics shall be conducted under the supervision of the Secretary of the Treasury.

And, on page 3, in the line after line 21, after the word "travel", to insert "or transportation"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 95 of title 18, United States Code, is amended (a) by adding the following new sections at the end thereof:

"§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

"(a) Whoever travels in interstate or foreign commerce with intent to—

"(1) distribute the proceeds of any unlawful activity; or

"(2) commit any crime of violence to further any unlawful activity; or

"(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity and performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3) after such travel

shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"(b) As used in this section 'unlawful activity' means (1) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics, or prostitution offenses in violation of the laws of the State in which they are committed or of the United States, or (2)

extortion or bribery in violation of the laws of the State in which committed or of the United States.

"(c) Investigations of violations under this section involving liquor or narcotics shall be conducted under the supervision of the Secretary of the Treasury.

"Sec. 2. Transportation in commerce in aid of racketeering enterprises.

"(a) Whoever uses any facility for transportation in interstate or foreign commerce, including the mail, with intent to—

"(1) distribute the proceeds of any unlawful activity; or

"(2) commit any crime of violence to further any unlawful activity; or

"(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity

and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"(b) As used in this section 'unlawful activity' means (1) any business enterpirse involving gambling, liquor on which the Federal excise tax has not been paid, narcotics, or prostitution offenses in violation of the laws of the State in which they are committed or of the United States, or (2) extortion or bribery in violation of the laws of the State in which committed or of the United States.

"(c) Investigations of violations under this section involving liquor or narcotics shall be conducted under the supervision of the Secretary of the Treasury."

and (b) by adding the following item to the analysis of the chapter:

"Sec. 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises."

Mr. EASTLAND. Mr. President, this bill is one of the bills which comprise the Attorney General's anticrime program.

The bill is designed to bolster local law enforcement by denying interstate facilities to persons engaged in illegal gambling, liquor, narcotics, or prostitution business enterprises or extortion or bribery in violation of the laws of the State in which committed or of the United States. The committee has received testimony that the complex operations of today's organized criminal syndicates recognize no State boundary. S. 1653 is intended to disrupt the interstate operation of these criminal organizations by making it impossible for organized gambling and other illegal activities to operate on an interstate scale beyond the reach of local enforcement agencies.

Testimony before the committee made it clear that only the Federal Government can shut off the funds which permit the top men of organized crime to live far from the scene and therefore be immune from prosecution by local officials.

This bill prohibits the travel with intent, first, to distribute the proceeds of an unlawful activity; second, commit a crime of violence to further the unlawful activity; or third, to otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment or carrying on of the unlawful activity. The term "unlawful activity" is defined in the bill as "any business enterprise" involving illegal gambling, liquor, narcotics offenses, or extortion or bribery. The use of the term "business enterprise" requires that the activity be a continuous course of conduct. The committee has tightened the bill to require that the individual doing the traveling for the illegal purpose must, after his travel, perform or attempt to perform one of the acts forbidden in the bill.

It has also limited the liquor offense by requiring that it be "liquor on which the Federal excise tax has not been paid."

The committee is of the opinion that the bill should not be limited to the travel of individuals in interstate commerce. Other interstate transportation facilities may be used by organized crime to carry out unlawful activity. The bill has therefore been broadened to "any facility for transportation in interstate or foreign commerce, including the mail." The same requirements as in the travel portion of the bill are contained in the committee amendment.

S. 1653 will enable the Federal Government to assist the States effectively. The Committee on the Judiciary recommends that it pass.

Mr. KEATING. Mr. President, this bill has been very substantially improved by a number of important amendments adopted in committee. We have clarified many of the ambiguities of the original text, closed some of the loopholes revealed during our hearings, and expanded the coverage of the bill to give it much broader application. At the same time, we have avoided some of the dubious implications of the original language and generally tightened up its provisions. In its present form, I believe the bill will be very effective in combating the interstate activities of organized crime.

I have for many years advocated legislation which would make it a Federal offense to use the facilities of interstate commerce in furtherance of conspiracies to commit organized crime offenses. In this session my bill is designated S. 710. The bill is very similar in purpose to the pending legislation. However, there are some differences. For example, under S. 710 a conspiracy would be required in every case and the crime would be using the facilities of interstate commerce to effect the object of the conspiracy. S. 710 would also apply to any interstate commerce facilities. It would not be limited to travel, transportation and the mail. The original proposal of the Department of Justice, of course, was limited solely to travel, which would have been very inadequate and easily avoided. Even with its extension to transportation including the use of the mail. As embodied in the amendment which I offered in the committee, there is still some danger that the bill will not be as inclusive as is necessary to be completely effective. S. 710 also included a number of offenses not specified in the pending bill, such as murder and criminal fraud. I continue to believe that the use of any facility of interstate commerce to carry out a scheme of murder should be a Federal offense. Finally S. 710 contains much more flexible punishment provisions than are provided in the pending measure, ranging up to a penalty of death for cases in which the victim of the offense has been murdered. In this respect, too, I believe that the provisions of S. 710 are more desirable than those of the pending measure.

I have learned from long frustration in trying to obtain meaningful anticrime legislation that this is a field in which we make progress slowly. Despite the ever-mounting rate of crime and the tremendous cost of crime, Congress has never been willing to move vigorously enough against the barons of the underworld.

This bill is not everything it should be, but it does represent significant progress and it deserves strong support on that basis. It is ironic that the Federal Government has been more hesitant in dealing with the problem of interstate crime than almost any other segment of national policy. It has told farmers how much wheat they can grow for consumption on their own farms, and it has imposed criminal sanctions for any violations of acreage allotments. It has regulated every facet of national transportation and communication. It has required the most detailed reports and outlawed many practices in connection with labor-management relations. Only interstate crime has managed to avoid comparable Federal attention.

Unfounded fears have blocked better progress in fighting the underworld. One of these fears is that a national police force may be established. Now I am as concerned about the dangers of a national police force as anyone, but it is apparent that we can go way beyond any of these measures before giving any substances to this specter. At present, the number of FBI agents is less than one-fourth the number of policemen in New York City alone, despite the nationwide obligations of this Federal agency. This bill may lead to an expansion in the manpower of the FBI but it definitely promises an even greater expansion of the protection of our Nation from the plundering of national crime syndicates. A successful fight against the underworld requires the cooperation of Federal, State, and local law enforcement agencies. This bill will make such cooperation more feasible than it has heretofore been. It assures a combined effort against all those in our midst who cross State lines in attempting to carry out their defiance of the law.

Law enforcement has suffered many setbacks in recent efforts to put the underworld behind bars. Let us remember Apalachin and make certain that no such law-enforcement fiasco is ever reenacted. The professional hoodlums have been sneering at Americans for too long. It is time to strike back with all the energy and resourcefulness which we can muster in this vital mission.

Mr. President, I favor this bill and I hope it will be overwhelmingly approved.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to amend title 18, United States Code, to prohibit travel or transportation in commerce in aid of racketeering enterprises."

PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN COMMERCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar 620, S. 1658.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1658) to amend the act of January 2, 1951, prohibiting the transportation of gambling devices in interstate and foreign commerce.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments on page 2, line 6, after the word "parimutuel", to insert "or other"; in line 7, after the word "racetracks", to insert "or other licensed gambling establishments"; after line 20, to strike out:

SEC. 3. The first paragraph of section 2 of such Act is amended to read as follows:

"It shall be unlawful knowingly to transport any gambling device in interstate or foreign commerce: *Provided*, That this section shall not apply to transportation of any gambling device to a place in any State which has enacted a law providing for the exemption of such State from the provisions of this section, or to a place in any subdivision of a State, if the State in which such subdivision is located has enacted a law providing for the exemption of such subdivision from the provisions of this section."

On page 3, at the beginning of line 7, to change the section number from "4" to "3", and on page 7, at the beginning of line 14, to change the section number from "5" to "4"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1(a)(2) of the Act of January 2, 1951 (64 Stat. 1134; 15 U.S.C. 1171), is amended to read as follows:

"(2) any other machine or mechanical device (including, but not limited to, roulette wheels and similar devices) designed and manufactured primarily for use in connection with gambling, and (A) which when operated may deliver, as the result of the application of an element of chance, any money or property, or (B) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property, provided that the provisions of this subsection shall not apply to parimutuel or other betting equipment or materials used or designed for use at racetracks or other licensed gambling establishments where betting is legal under applicable State laws; or".

SEC. 2. Section 1 of such Act is further amended by adding thereto the following subsections:

"(d) The term 'interstate commerce' includes commerce between one State, possession, or the District of Columbia and another State, possession, or the District of Columbia.

"(e) The term 'foreign commerce' includes commerce with a foreign country.

"(f) The term 'intrastate commerce' includes commerce wholly within one State, the District of Columbia, or possession of the United States."

SEC. 3. Section 3 of such Act is amended to read as follows:

"SEC. 3. (a) It shall be unlawful for any person during any calendar year to engage in the business of manufacturing, repairing, reconditioning, dealing in, or operating any gambling device if in such business he buys or receives any such device knowing that it has been transported in interstate or foreign commerce, or sells, ships, or delivers such device in interstate or foreign commerce, or sells, ships, or delivers such device knowing that it will be introduced into interstate or foreign commerce, unless such person shall, during the month prior to engaging in such business in that year, register with the Attorney General of the United States his name and trade name and the address of each of his places of business, designating his principal place of business within the United States.

"(b) Every person required to register under the provisions of this Act shall maintain an inventory record of all gambling devices owned, possessed, or in his custody as of the close of each calendar month. The record shall show the individual identifying mark and serial number of each assembled gambling device and the quantity, catalog listing, and description of each separate subassembly or essential part, together with the location of each item listed thereon.

"(c) Every person required to register under the provisions of this Act shall maintain for each place of business a record for each calendar month of all gambling devices sold, delivered, or shipped in intrastate, interstate, or foreign commerce. The record of sales, deliveries and shipments for each place of business shall show the individual identifying mark and serial number of each assembled gambling device and the quantity, catalog listing, and the description of each separate subassembly or essential part sold, delivered, or shipped together with the name and address of the buyer and consignee thereof and the name and address of the carrier.

"(d) Every person required to register under the provisions of this Act shall maintain for each place of business a record for each calendar month of all gambling devices manufactured, purchased, or otherwise acquired. This record shall show the individual identifying mark and serial number of each assembled gambling device and the quantity catalog listing, and description of each separate subassembly or essential part, manufactured, purchased, or otherwise acquired together with the name and address of the person from whom the device was purchased or acquired and the name and address of the carrier.

"(e) Every manufacturer required to register shall number seriatim each assembled or partially assembled gambling device which is to be sold, shipped, or delivered, and shall stamp on the outside front of each such assembled or partially assembled gambling device so as to be clearly visible the number of the device, the name of the manufacturer, and the date of manufacture. And every person required to register under the provisions of this Act shall record the data herein designated in the records required to be kept.

"(f) Each record required to be maintained under the provisions of this Act shall be kept for a period of five years.

"(g)(1) It shall be unlawful for any person required to register under the provisions of this Act to sell, deliver, ship, or possess any gambling device which is not marked and numbered as required by this Act or for any person to remove, obliterate, or alter the manufacturer's name, the date of manufacture, or the serial number on any gambling device;

"(2) It shall be unlawful for any person knowingly to make or cause to be made, any false entry in any record required to be kept under this section; and

"(3) It shall be unlawful for any person who has failed to register as required by this Act or who has failed to maintain the records required by this Act to manufacture, recondition, repair, sell, deliver, ship, or possess any gambling device.

"(h) Agents of the Federal Bureau of Investigation shall, at the principal place of business within the United States of any person required to register by this Act, at all reasonable times have access to and the right to copy any of the records required to be kept by this Act, and in case of refusal by any person registered under this Act to allow inspection and copying of the records required to be kept, the United States district court where the principal place of business is located shall have jurisdiction to issue an appropriate order compelling production.

"(i) No person shall be excused from maintaining the records designated herein, producing the same or testifying before any grand jury or court of the United States with respect thereto for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a criminal penalty or forfeiture. But upon asserting the privilege against self-incrimination any natural person may be required to open the records designated herein to inspection or to testify before any grand jury or court of the United States with respect thereto: *Provided*, That no such person shall be criminally prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing disclosed as a result of the inspection of such records or testimony with respect thereto. No witness shall be exempt under this section from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this Act.

"(j) The Attorney General is authorized and directed to make and enforce such regulations as may in his judgment be necessary to carry out the purposes of this Act and the breach of any of such regulations shall be punishable as provided in section 6 of this Act."

SEC. 4. This Act shall take effect on the sixtieth day after the date of its enactment.

Mr. EASTLAND. Mr. President, the purpose of the bill is to broaden the Johnson Act since enforcement experience in the past 10 years has indicated the need to include other gambling devices in addition to slot machines. The "one-armed bandit" which was a principal target of the earlier legislation has to a large extent been replaced by machines ingeniously devised so as not to come within the provisions of the existing law. S. 1658 would cover not only slot machines, roulette wheels and similar devices used in gambling casinos, but also pin balls designed and manufactured primarily for use in connection with

gambling and the one-armed bandit like device called the point maker which is described more fully in our report. The latter two may be seen almost anywhere in the country and probably provide hoodlum operators with more revenue than they ever got from the slot machines. Your committee feels that only a broad definition of gambling device can cope with the ingenuity of the industry in coming up with "loophole" devices such as they have done under the Johnson Act.

The bill, as offered by the Department of Justice, has been amended by your committee in two principal respects. First, an exemption has been provided for betting equipment in States where gambling establishments are legal and licensed under State law. Second, we have deleted a provision which would have banned the shipment in foreign commerce of gambling devices as defined in the bill. In our view this prohibition of shipments of gambling devices to countries where they are legal is unwarranted.

Now I would like to briefly describe what your committee believes the bill, as amended, would accomplish. It broadens, as I have indicated, the definition of "gambling devices" so as to include the modern types of machines and mechanical devices which are not covered by the Johnson Act. It continues the requirement of registration with the Attorney General but particularizes the conduct that would require registration so that every person whose business transactions in gambling devices affect interstate commerce has to register. The bill requires those who are subject to the act to maintain a detailed inventory record of gambling devices owned, possessed or held as of the close of the preceding calendar month but, unlike the present law, does not require the records to be filed with the Attorney General. This is in keeping with the overall records keeping provisions which we believe will tend to obviate problems of possible self-incrimination which have been raised in the cases under the present act. The bill makes clear that persons engaged in interstate and foreign commerce must report intrastate transactions as well. This will enable the Justice Department to obtain more complete information as to the eventual disposition of machines manufactured and sold by those engaged in interstate commerce.

A further amendment to section 3 of the present statute requires that a record of sales and deliveries be maintained. There has been some confusion under the existing statute as to whether a record of sales was required in addition to an inventory of devices. The bill also seeks to correct an obvious loophole in the records filing requirements of the law as it now exists. Inventories and records of sales are required to be disclosed but no provision is made for divulging information as to purchases or acquisitions. It is obvious that one seeking to avoid the effect of the statute can maintain a constant inventory and thus afford no basis on which devices shipped in violation of the act could be detected from the records required to be filed. In summary, we simply require under the bill one who is engaged in a business of dealing in gambling devices to maintain as one would in the ordinary course of business records of acquisition and sales plus a record of inventory. There is as has been indicated no need on the part of the person subject to the bill to file these records with anyone. They simply maintain them in the ordinary course of business which in all probability is a necessary part of their existing business procedures.

Provision is made for inspection and copying of the records by the Federal Bureau of Investigation. The bill also provides for grants of immunity to persons who assert their constitutional privilege against self-incrimination with regard to maintaining the records or producing the records or giving oral testimony before any grand jury or court of the United States.

The Committee on the Judiciary believes this bill will be helpful in combatting organized crime and racketeering and therefore recommends favorable action by the Senate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. JAVITS. Is this the bill which contains the right to grant immunity in return for testimony?

Mr. EASTLAND. No; it is not.

Mr. JAVITS. I thank the Senator.

Mr. KEATING. Mr. President, this bill is designed to close a loophole which has developed under the Johnson Act with respect to the transportation of gambling devices in interstate commerce.

In its original form, the pending bill was identical to a measure which I have long supported and which was strongly urged by Attorney General Rogers. That bill was introduced in this session as S. 524.

This legislation is a good example of the resourcefulness of criminals in finding loopholes in our laws. The definition of gambling devices in the Johnson Act was narrowly drawn. It did not take the gambling fraternity very long to devise ways of evading the law and rendering the act virtually nugatory. The proposed definition will close this gap for the time being, but we shall have to remain alert to the situation to make sure it is not also evaded.

A number of amendments have been recommended by the committee. These appear to me to be justified. I support the bill as amended, and I hope it will be approved.

Mr. JAVITS subsequently said: Mr. President, it will be remembered that I had a colloquy with the Senator from Mississippi [Mr. EASTLAND], in which I asked him whether there was any provision in the bill, S. 1658, which was passed rather quickly, with relation to waiving the right against self-incrimination as a privilege. He said "No". However, I believe the Senator was confused on that point. He thought we were talking about some other bill, but we were talking about the bill I had in mind. There is such a provision in the bill, S. 1658, by which it is possible to make a person testify upon granting him the privilege to waive the right against self incrimination or by asking him to show his record.

I have no desire to oppose the bill, but I wish to speak a word of caution to the Senate. The matter of extending the privilege about which we are talking, to waive the constitutional right to plead self-incrimination, as a reason for not disclosing evidence or testimony, is one of the most precious in our constitutional law. All six of the crime bills which enable the prosecuting authorities to grant immunity are specialized in nature; hence, I did not oppose them. However, I think we all ought to be wary and aware of the limitation of this privilege and make clear our position that it should not be used beyond the bonds of reason; that we are alert to the consequences that take away from Americans—and it may be you, Mr. President, or I, or any other Member of this body who is perfectly law-abiding—the privilege to refuse to give records or to refuse to testify on the ground of self-incrimination. There is nothing wrong about it; there is nothing embarrassing about it. It is a fundamental protection of the law, to protect against tyrants.

We must all be vigilant and diligent to make certain that this right has not been impaired. It has been done twice today. I did not want the opportunity to pass without making the record clear.

Mr. CARROLL subsequently said: Mr. President, I commend the able senior Senator from New York [Mr. JAVITS], for raising this issue. The immunity bill which our Judiciary Committee considered was S. 1655. Some of us who sat in the hearings on S. 1655 were greatly alarmed by the broad provisions originally presented to the committee and the subcommittee which conducted the hearings. I was amazed to learn of the great number of statutes which had given this immunity bath. There are more than 30 Federal statutes which contain immunity provisions. Some apply only to proceedings before administrative bodies, others to court proceedings.

What the committee sought to do, after this situation was brought to its attention—and I wish to pay tribute to the Attorney General and his office, because they provided me a thorough brief on the subject of present immunity provisions—was to seek to impose some restrictions in S. 1655. This question also came before the Attorney General. He said he would use sparingly the authority given him. If my memory serves me correctly, the Attorney General must give the order personally for the immunity bath.

The committee sought to hedge this proposal with all reasonable limitations in S. 1655. However, I agree with the able Senator from New York that we ought to be very careful as we march along this road.

Mr. President, I have here with me the brief which the Attorney General provided me on immunity statutes and I think it would be valuable to have this in the record for future study of this issue. I ask unanimous consent that the brief appear in the RECORD.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

DEPARTMENT OF JUSTICE,
Washington, June 23, 1961.

HON. JOHN A. CARROLL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in response to your request for information dealing with the present immunity provisions of Federal law.

At the present time there are more than 30 Federal statutes which contain immunity provisions of varying phraseology. Some of the statutes (a listing of which is hereto appended) permit immunity to be granted and testimony compelled in proceedings before administrative bodies only. An example of this is the Federal Trade Act (15 U.S.C. 49) which authorizes the Federal Trade Commission to compel testimony in spite of a claim of the constitutional privilege by conferring immunity from prosecution. Other statutes permit the compulsion of testimony before an administrative agency and in court proceedings instituted by the agency. An example of this type of statute is the Security and Exchange Act of 1934 (15 U.S.C. 78u(d)).

A third category of statutes permits the compulsion of testimony in administrative hearings or in any cause of proceeding, criminal or otherwise based upon a violation of the act. Thus it applies to grand jury proceedings and trial. An example of this type of statute is Interstate Commerce Act (49 U.S.C. 46).

A fourth category of statutes are those in which the immunity may be granted and testimony compelled in grand jury proceedings or in trials. An example of this type of statute is the Narcotics Control Act of 1956 (18 U.S.C. 1406).

A fifth category of statutes is that in which the immunity can be granted and testimony compelled before a grand jury or at a trial and in addition before a congressional committee. The only statute in this category is the Witness Immunity Act of 1954 (18 U.S.C. 3486), dealing with internal security cases.

A different breakdown of the listed statutes is possible, based upon the procedure involved in the obtaining of immunity. In some of the statutes the witness obtains immunity from prosecution with respect to any matter, transaction or thing about which he is compelled to testify even though he does not first refuse to answer the question based upon his constitutional privilege. See *U.S.* v. *Monia* 317 U.S. 424. These statutes are commonly known as "immunity bath" statutes.

In the other statutes the witness must first claim his privilege, thereby alerting the prosecutor or interrogator that the information may tend to incriminate him. He must then be compelled to testify before he obtains immunity from prosecution with respect to any matter, transaction or thing about which his testimony is compelled. The attached list is broken down into the two different procedural categories.

You further requested citations of court decisions upholding the immunity statutes. The ICC immunity statute was first upheld by the Supreme Court in *Brown* v. *Walker* 161 U.S. 591 (1896) and again in *Brown* v. *U.S.* 359 U.S. 41 (1959). The Witness Immunity Act of 1954 was upheld in *Ullman* v. *U.S.* 350 U.S. 422 (1955). The Narcotics Control Act of 1956 immunity provisions were upheld in *Reina* v. *U.S.* 364 U.S. 507 (1960).

I hope that the foregoing satisfactorily answers your inquiry.

Sincerely,

HERBERT J. MILLER, Jr.,
Assistant Attorney General.

FEDERAL IMMUNITY STATUTES

Generally speaking, immunity statutes fall into two main categories:

1. The following statutes have immunity provisions which require a witness to claim the privilege against self-incrimination in order to take advantage of it, when appearing before the administrative body which has the power to grant the immunity:

Atomic Energy Act (42 U.S.C. 2201(c)).
Connolly Hot Oil Act (15 U.S.C. 715(h)).
Defense Production Act of 1950, as amended (50 U.S.C. App. 2155(b)).
Federal Aviation Act of 1958 (sec. 1004(i)) (immunity provision).
Federal Communications Act (47 U.S.C. 409(l)).
Federal Deposit Insurance Corporation Act (12 U.S.C. 1820(d)).
Federal Power Act (16 U.S.C. 825f(g)).
Investment Advisers Act (15 U.S.C. 80b–9(d)).
Investment Company Act (15 U.S.C. 80a–41(d)).
Labor Management Relations Act (29 U.S.C. 161(3)).
Merchant Marine Act (46 U.S.C. 1124(c)).
Narcotic Control Act of 1956 (18 U.S.C. 1406).
National Defense Contracts Act (50 U.S.C. App. 1152).
Natural Gas Act (15 U.S.C. 717m(h)).
Public Utility Holding Company Act (15 U.S.C. 79r(e)).
Railroad Unemployment Insurance Act (45 U.S.C. 362(c)).
Second War Powers Act (50 U.S.C. App. 643a).
Securities and Exchange Act (15 U.S.C. 78u(d)).
Social Security Act (42 U.S.C. 405(f)).
Export Control Act (50 U.S.C. App. 2026(b)).

2. The following statutes do not require the claim of privilege and under the doctrine of *United States* v. *Monia*, 317 U.S. 424, a witness who gives testimony obtains immunity although he does not claim his privilege against self-incrimination.

China Trade Act (15 U.S.C. 155 (c)).
Commodity Exchange Act (7 U.S.C. 15).
Cotton Futures Act (26 U.S.C. 4874, 7493).
Elkins Act (49 U.S.C. 43).
Fair Labor Standards Act (29 U.S.C. 209).
Federal Trade Act (15 U.S.C. 49).
Freight Forwarders Act (49 U.S.C. 1017 (a)).
Industrial Alcohol Act (26 U.S.C. 5315).
Interstate Commerce Act (49 U.S.C. 43, 46–48).
Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 521).
Motor Carriers Act (49 U.S.C. 305(d)).
Packers and Stockyards Act (7 U.S.C. 222).
Perishable Agriculture Commodities Act (7 U.S.C. 499m(f)).
Sherman Antitrust Act (15 U.S.C. 32–33).
Shipping Act (46 U.S.C. 827).
Tariff Act (19 U.S.C. 1333(e)).
Water Carriers Act, see part III, Interstate Commerce Act (49 U.S.C. 43, 46–48).
White Slave Traffic Act (18 U.S.C. 2424 (b)):
Statement by harborer of an alien female for purpose of prostitution.
Immunity Act of 1954 (18 U.S.C. 3486).

Mr. CARROLL. Mr. President, I am pleased to add my support to the criminal code provisions requested by the Attorney General. They will give him the additional powers he needs with which to meet the growing threat of interstate crime.

Powerful interstate crime syndicates now do an estimated annual business of $22 billion a year. These syndicates deal in vice and corruption—in gambling, narcotics, prostitution, and liquor violations.

Over the last 10 years, J. Edgar Hoover tells us the crime rate has increased by 66 percent. Over the last 5 years, the crime rate has risen four times faster than has population growth.

It is obvious that a significant part of this increase in the crime rate across the Nation is due to the growing strength of interstate crime—to hoodlums and racketeers who, says Attorney General Kennedy, "have become so rich and so powerful that they have outgrown local authority."

Mr. President, as I have said before in this Chamber, I am pleased that at long last the full powers of the Department of Justice, the Department of Treasury, and other Government agencies are being exerted and coordinated in the battle against interstate crime.

Because of the able and determined efforts of our Attorney General, Robert F. Kennedy, the chief investigating agencies in our Government are pooling their information on the crime syndicates, and are now fully cordinating their activities both at national and regional levels.

It is important, Mr. President, that the Attorney General be given the weapons he needs for this battle against organized gangsterism. These bills, amending and strengthening the Federal criminal code statutes, deserve the prompt—and careful—attention of the Congress. I congratulate the majority leader for bringing them so promptly before the Senate.

The Senate Judiciary Committee, both in public and private session, has given searching scrutiny to these proposals.

In revising criminal statutes it is important—as the Senate knows—to see, first, that the amending laws are well drawn, precise in their wording and effect and, second, that they will be effective without doing harm to individual constitutional rights and common-law guarantees.

This is never an easy task.

These amendments our Judiciary Committee proposed, and which have now been accepted by the Senate, are directed at guaranteeing as strongly as possible the rights of the innocent without, at the same time, hamstringing the effectiveness of the measures in bringing criminals to justice.

I know that some might have disagreed with one word or another in these bills—for there is no more sensitive or important section of the law than the criminal code. Any proposals to amend the Federal criminal statutes should receive the critical study of the Congress.

I know also, however, that no Member of the Senate denies the pressing importance of seeing that the lawless elements of our society are not allowed to grow and prosper.

As Attorney General Kennedy has said, "If we do not on a national scale

attack organized criminals with weapons and techniques as effective as their own, they will destroy us."

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

RELATIONSHIP OF THE UNITED STATES WITH THE REPUBLIC OF CHINA AND COMMUNISTIC CHINA

The Senate resumed the consideration of the concurrent resolution, Senate Concurrent Resolution 34, relative to the relationship of the United States with the Republic of China and communistic China.

Mr. MANSFIELD. Mr. President, I announce that there will be a yea-and-nay vote on the concurrent resolution. I ask for the yeas and nays at this time.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, one of the best suggestions I have heard came from a distinguished Senator on the other side of the aisle, who said that it might be a good idea to vote on the concurrent resolution first and then talk about it afterwards. However, I believe that is a little too much to expect.

THE ATTORNEY GENERAL'S ORGANIZED CRIME PROGRAM AND THE NEED FOR A NATIONAL CRIME COMMISSION

Mr. KEFAUVER. Mr. President, the Senate today has taken a much needed step in the continuing war which must be waged to combat organized interstate crime. The passage of six of the seven bills in the Attorney General's legislative program gives him important new weapons to carry on this battle.

The Attorney General, Mr. Robert F. Kennedy, deserves the praise and appreciation of the Congress and the entire country for his vigor and determination in this field. He has brought to our highest law enforcement office talents and characteristics which should strike fear in the hearts of the racketeers. Mr. Kennedy's dedication, his courage, his ability, and his great personal energy are indeed assets to this office. He is to be commended for developing this legislation program against organized crime, and the entire country should support his efforts.

The annual report of Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, which was recently published for 1960, shows the increase in crime of all sorts, including organized and commercialized crime and vice. With the new weapons given by the Attorney General's legislative program, the Department of Justice should be able to go far toward eliminating the evil of organized crime.

As the Attorney General pointed out to the Judiciary Committee when he presented his program, the syndicates and racketeers and hoodlums could not carry on their multi-million-dollar businesses without using the channels and facilities of interstate commerce. The power of the Congress to regulate interstate commerce and deny its use to organized crime has been largely unused while the racketeers turned its channels and facilities to their advantage. The legislation approved today is a great step forward.

S. 1653 prohibits travel in interstate commerce when it is for the purpose of furthering organized crime and is accompanied by action in aid of unlawful activities. Local law enforcement agencies are often powerless to reach the racketeers and their henchmen who move from one State to another in carrying out their multi-State crime activities.

S. 1655 adds Hobbs Act and Taft-Hartley Act violations to the cases in which the Attorney General may grant immunity and compel the giving of testimony in cases where the witness' testimony might incriminate him.

The profitable use by gamblers of interstate communications is met by S. 1656, which outlaws the use of interstate communications in connection with gambling. However, the common carriers of communications, such as telephone companies, have been given the protection which they sought by a committee amendment.

S. 1657 denies the channels of commerce to the transportation of gambling paraphernalia where it is sent into a State to be used in violation of the laws of that State.

Loopholes in the Slot Machine Act are closed by S. 1658, which expands the types of gambling devices which are forbidden from interstate shipment.

Finally, in S. 1665, much needed protection is extended to potential witnesses against gangsters and racketeers. The obstruction of justice statute is expanded to protect persons who are in a position to furnish evidence at the investigative stage in which the Justice Department and Treasury Department are working up cases.

I hope that S. 1654, the remainder of the Attorney General's program, will be enacted promptly. This would expand the Fugitive Felon Act to cover all felonies and give the FBI jurisdiction to arrest all criminals who cross State lines to avoid prosecution or confinement for a crime which is a felony under State law. The FBI could then be of much greater assistance in aiding the States to reach gangsters who violate their laws and then go to another State.

The Judiciary Committee gave long and careful consideration to these bills. The Attorney General and his representatives spent many hours with the committee in going over their details. In some instances, they were broadened and in some they were slightly narrowed. But there is no question that the Attorney General will be given a new arsenal of weapons to combat organized crime.

Almost 10 years ago, when I was chairman of the Special Committee of the Senate To Investigate Organized Crime in Interstate Commerce, I learned of the need for the Federal Government to go further in this area. Some of the proposals now being approved were recommended by the Special Crime Committee in 1951. At that time, the Crime Committee recommended the extension of Federal prohibitions of transportation of gambling devices in interstate commerce. It also recommended legislation outlawing the use of interstate communications facilities for gambling purposes. Expansion of the Attorney General's power to grant immunity to witnesses was also recommended.

The legislation approved today is a long step in the right direction. However, I believe the Congress and the Federal Government should go still further. The new laws are weapons to combat interstate crime. There is still a great need for a central agency to gather and distribute information so that Federal, State, and local law enforcement agencies might better assist each other. Since my experience with the Crime Committee in 1951, I have favored the formation of a National Crime Commission. At this Congress, Senator McCLELLAN and I have introduced S. 777, which would establish a National Advisory Commission on Interstate Crime. Such a Commission would engage in a continuing study of the operations of organized crime and the effectiveness of existing laws. It would keep the Congress and law enforcement agencies abreast of the ingenious new devices which racketeers devise to circumvent the law. It would go into such matters as criminal infiltration of lawful business and the adequacy of parole, probation, and rehabilitation programs. The Commission could hold hearings and compel the testimony of witnesses.

The American Bar Association for a number of years has recommended the establishment of such a commission.

I believe the work of such a commission at the top level, gathering information and advising as to new and expanding programs, which would be invaluable addition to the new weapons which the Attorney General has been given. I hope that at this Congress S. 777 will be approved so that the continuing war against organized crime can be carried on even better.

About 10 years ago the Senator from Wisconsin [Mr. WILEY] and I were members of a special committee to investigate organized crime. Many of these proposals, in different forms, were recommended at that time. There is one other proposal, the creation of a National Commission on Crime, which has been recommended in a bill sponsored by the Senator from Arkansas [Mr. McCLELLAN] and me, which I think would go even further to implement the program of the Attorney General. I hope that in due course it may be considered also.

Mr. MAGNUSON. Mr. President, will the Senator from Montana yield, that I may ask the Senator from Tennessee a question?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. At the time the Senator from Tennessee conducted the investigation into crime, and at the conclusion of the investigation, the Senator from Tennessee will remember that all

the files pertaining to the investigation, the subject of the proposed legislation, and all matters pertaining thereto were turned over to the Committee on Interstate and Foreign Commerce.

Mr. KEFAUVER. That is correct.

Mr. MAGNUSON. That was done on the ground that jurisdiction lay in that committee, because the subject matter dealt with interstate commerce.

I suggest that that committee has handled some of the bills and reported some of them. Now the Committee on the Judiciary is reporting other bills. We all favor them, but I suggest that the Senator from Tennessee get together with the chairman of the Committee on the Judiciary before the beginning of the next session, at least, to arrive at some meeting ground as to where the jurisdiction lies in these particular fields, because I know the Senator from Mississippi [Mr. EASTLAND] and the Senator from Tennessee [Mr. KEFAUVER] and I want to be certain that if one committee passes on a bill, it will not be said that the other committee was derelict in its duty because it did not act first. I think the question of jurisdiction should be cleared up, because there is a distinct overlapping of jurisdiction in this particular field.

Mr. KEFAUVER. At the time the Senate Committee To Investigate Organized Crime was created, in 1950, a resolution was before the Committee on the Judiciary and was reported. In the light of the fact that there was overlapping jurisdiction, a special committee was created, composed half of members of the Committee on the Judiciary and half members of the Committee on Interstate and Foreign Commerce. The Senator from Wisconsin [Mr. WILEY] and I, I believe, are the only remaining members of the special committee which reported some of the proposed legislation which was passed. Some bills passed the Senate, but bogged down in the House.

There was a bill in connection with wire service facilities, which required the Federal Communications Commission not to issue a license to anyone who was engaged substantially in gambling in connection with wire service facilities. That bill finally was amended to make the penal provisions in violations of the Criminal Code very much like those in the bill which was passed by the Senate. The first one went to the Committee on Interstate and Foreign Commerce.

As amended, if introduced, it would have gone to the Committee on the Judiciary.

There is overlapping of jurisdiction, and I am happy to know that the committee of which the distinguished Senator from Washington is chairman has lent strong support to the effort to reach the underworld through appropriate legislation. His committee reported the original bill, making illegal the transportation of gambling devices, such as one-arm bandits, as was recommended by the committee to investigate crime.

I believe there has been a good working arrangement with the Senator from Washington. He and the other members of his committee have been most vigilant and diligent in moving proposed legislation, whatever the jurisdiction might be. I think it would be well for the two committees to collaborate.

IMPORTANCE OF OIL TO THE FREE WORLD ECONOMY

Mr. DIRKSEN. Mr. President, the importance of oil to the economy of the free world is underscored by internatonal concern over the independence of Kuwait. The British have assembled a strong force to protect the integrity of this tiny shiekdom because they are very anxious about the security of the Kuwait oil reserves, on which they depend very heavily for their energy requirements. A nation without oil reserves of its own, like the United Kingdom, depends on external sources of energy as its economic lifeblood.

I think this also points up the danger to any nation of becoming dependent on Soviet oil because Soviet oil is available to the West only as long as it is in the economic and political interests of the Soviet Union to continue to supply it. If it serves Russian interests, the oil that is flowing to many of our NATO allies from the Soviet Union today would be cut off tomorrow.

Mr. President, on June 20, I spoke about the serious implications of Soviet oil incursions on free world markets. I pointed out at that time how the Russians are using oil as a political weapon in the cold war. In a statement that was printed in the RECORD as part of my remarks on that occasion, I included a letter, which I had sent on May 25 to Secretary Udall of the Interior Department. The letter raised objections to so-called positive aspects of Soviet oil exports, which were cited in an information circular No. 8023 issued by the Department of the Interior.

Mr. President, on June 23, I received a reply to my letter over the signature of Mr. James K. Carr. I ask unanimous consent that this exchange of letters be printed in the RECORD at this point; then I shall comment briefly on the reply from the Department of the Interior.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Hon. STEWART L. UDALL,
The Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: There has come to my attention the information circular No. 8023 from your Department under the byline of Mr. Donald J. Frendzel, dealing with the Soviet 7-year plan (1959–65) for oil.

On page 15 following table 7 of this circular there appears this language in Mr. Frendzel's report:

"The foregoing comments have dealt with the possible adverse implications of Soviet oil for the free world. There may be some positive aspects of increased U.S.S.R. oil output and exports: (1) The availability of Soviet oil will increase the economic competition in the sale of oil. (2) The availability of Soviet oil will allow some consumers to become less dependent on Middle Eastern oil."

These two comments by Mr. Frendzel have astonished me some because I was a member of a subcommittee under the chairmanship of Senator O'Mahoney in the 85th Congress, which made a most extensive investigation of the Middle East oil situation.

It must be obvious to all by now that Soviet oil presents a new danger for the West and for the countries allied with the free world.

First, I point out for your attention the study prepared by the Library of Congress at the request of the Subcommittee of the Senate Judiciary Committee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws.

I serve as a member of that subcommittee and we have sought to point out on the basis of documented facts the danger that lies in the expansion of the Soviet oil industry in the cold war. No later than May 11, 1961, there appeared in the Philadelphia Inquirer an article with a New York UPI dateline, under the title of "Crisis Seen For Oil Companies," which is, in fact, a comment on an article by Prof. James F. McDevitt in the Challenge Magazine for May 1961, in which Mr. McDevitt points out that the Soviet state oil monopoly is growing like a Frankenstein monster.

Other documentation can be cited, including an article in the Saturday Evening Post by Mr. Ira H. Cram under the title "Russian Oil: New Danger For The West."

I might call attention also to an article in the New York Times, dated May 21, 1961, under the title "Russian Oil Fuels Industrial Drive."

In view of all this it seems surpassingly strange that an employee of the U.S. Department of the Interior should author an information circular on the Soviet 7-year plan for oil and conclude his study with the suggestion that Soviet oil will increase economic competition and will allow some consumers to become less dependent on Middle Eastern oil.

It would appear to me that these conclusions are indeed not in the national interest of this country nor in the interest of American enterprisers who are willing to go abroad, invest their capital, and assume all the risks and hazards in order to develop the oil resources of Middle East lands.

I would like to have some responsive and detailed comment not only on Mr. Frendzel's study and with respect to his background and orientation in this field, but upon the other studies made by various groups in Congress from time to time and their relationship to the Soviet danger and to the development of a prejudicial status for the United States.

Having served on the Oil Investigating Committee and also on the Internal Security Subcommittee of the Senate, I deem this matter of transcendant importance to the well-being and security of the United States at a time when so many feverish forces are at work, and I shall want to make suitable comment on the Senate floor after I have received your response to this letter.

Sincerely,

EVERETT MCKINLEY DIRKSEN.

JUNE 21, 1961.

Hon. EVERETT M. DIRKSEN,
U.S. Senate, Washington, D.C.

DEAR SENATOR DIRKSEN: This is in response to your letter of May 25, 1961, requesting comments on Bureau of Mines Information Circular No. 8023 and the problems presented by the expanding Soviet oil industry.

The circular in question is part of the Bureau of Mines program for gathering and analyzing data on mineral developments that have a bearing on the mineral economy of the United States. The paper, which was completed in October 1960, is primarily a summary of all available information on the Soviet 7-year plan for oil. It includes data obtained from Russian and other sources as well as original estimates by Bureau specialists. As you know, such studies are essential to the full understanding of our raw ma-

terial problems and the formulation and implementation of the mineral programs of the Federal Government.

The Bureau of Mines frequently is called upon to supply data and judgments on foreign mineral developments to various agencies of Government and the public. For example, in response to a direct request for information on Soviet oil, a copy of the circular No. 8023 manuscript was supplied to the Legislative Reference Service of the Library of Congress last January. Perusal of the recently released report entitled "Soviet Oil in the Cold War," which you mention in your letter, reveals that in its preparation the Library used Bureau data to a considerable extent. Similarly, the other authors of reports on Soviet oil to which you refer have had access to Bureau data files and judgments. The Bureau staff also has given assistance to Fortune magazine, the June 1961 issue of which contains on article on Soviet oil. The conclusions presented by these writers do not differ significantly from those reached by the staff of the Bureau of Mines last October.

You express concern over certain language in the Bureau's report relating to the positive aspects of increased oil exports from the U.S.S.R. These comments should be considered in the light of the adverse implications of Russian oil to the free world stated on page 12 of the circular. The latter reflect the various dangers you correctly state in your letter. The two points you question reveal the author's intent to analyze objectively Russian oil developments from the viewpoint of free world consumers as well as producers where competition is a vital and essential factor. Moreover, the readjustments required as a result of the cutting off of Middle East oil to European consumers during the Suez crisis in 1956 are still fresh in mind. Indeed they are still a factor in our domestic oil problem. In addition, oil imports are becoming increasingly important sources of energy in free Europe and the Governments of Iran, the Arab nations, and Venezuela recently have formed an Organization of Petroleum Exporting Countries (OPEC). A potential objective of OPEC may be production and price controls to be imposed on the operating companies.

Replying to your specific request about Mr. Donald J. Frendzel, the author of Information Circular No. 8023: He holds a B.S. degree in geology and an M.S. in mineral economics from Pennsylvania State University. He is a graduate of the Russian language school of the U.S. Army. He has been a student of Soviet oil and gas since 1952. During his 2 years with the Bureau of Mines he has been engaged in studying Soviet minerals with special emphasis on petroleum. He has written several articles on the subject and has lectured before military and business groups. He has exchanged ideas and data with officials of American oil companies and he has their confidence.

Let me assure you that this administration is fully aware of the potential threat of Russian oil expansion to the U.S. oil economy. The situation is being watched carefully and our programs and policies will be determined in the best interests of the United States. Your interest in this subject and that of Senator EASTLAND'S subcommittee is appreciated. Please call on me if this Department can be of further assistance in the pursuit of your inquiry.

Sincerely yours,

JAMES K. CARR,
Acting Secretary of the Interior.

Mr. DIRKSEN. Mr. President, it is clear that the Department of the Interior has not grasped the significance of my original objections to Information Circular No. 8023. Mr. Carr points out in his reply that the circular was prepared to assist members of the Interior Department and others to fully understand the raw material problems of the United States. I certainly do not dispute the need of the administration to conduct studies and to assemble data on Soviet oil. In fact, I am totally in agreement that we need to know a great deal more about the manner in which Soviet oil is being used in the cold war.

What I do object to, and this point was totally ignored in the reply to my letter, is the release by a department of the U.S. Government of a circular that states a position that is directly opposed to the interests of the United States and its allies. The very fact that this circular was prepared by the Interior for external use, including use by our oversea allies, suggests the folly of indiscriminate releases of this kind by staff groups. Anyone reading Circular No. 8023, especially a foreign ally who might not understand our system of government, could infer that U.S. position on Soviet oil is neutral. Yet, in Mr. Carr's reply, he states that the administration is fully aware of the potential threat of Russian oil expansion. But what have they done about it? The United States should let the U.S.S.R. know how it feels on this subject.

I consider Soviet oil as the "hottest weapon in the cold war." It is being bartered by the Soviets for our most advanced technical machinery and equipment and it is also being used as an astonishingly effective wedge for Soviet political penetration.

Mr. President, the Department of the Interior has no business releasing a circular containing statements that are subject to misinterpretation regarding the U.S. position on a matter of this import.

It is certainly not in the interests of the United States for U.S. allies to become dependent on Soviet oil and it is not in the interests of the United States that private oil companies should be buffeted in world markets with politically motivated Soviet oil offerings.

There are no positive aspects for the West in the expansion of Soviet oil exports any more than there are positive aspects in losing Cuba or in giving in to Soviet aggression—economic or political—anywhere else in the world. The tactics being used by the Soviets in their oil offensive are as great a threat to the West as their saber rattling in Berlin or their subversion in Guinea. In fact, because of its insidious nature, Soviet oil could constitute an even greater threat than the conventional forms of Soviet aggression to which we are more fully alert.

More than 30 free world nations, many of them holding key positions in Western defense plans, are partially dependent on Soviet oil. This oil could be cut off tomorrow, if it served Soviet political objectives to do so.

In addition to being subject to the machinations of the Soviet master planners, some U.S. allies also are providing the Soviets with the means of developing their own technology at a faster pace than the West. At one time, Soviet agents would go to almost any lengths to obtain design and engineering data on new equipment developed by the West. Now, they simply buy a complete plant ready to operate. What do they use to purchase the West's valuable technical and scientific achievements? They trade oil.

The less-developed countries of the world constitute a special hunting ground for the Soviet political bosses. Oil is being offered to many of these countries at prices that would barely pay the taxes and royalties on free world oil. The Soviets are very shrewd traders. They are not making these price concessions just to be good fellows. In fact, the price they are asking is ridiculously high. It is freedom itself. They are using oil to establish economic contacts, which they can later readily convert into increased political influence.

The administration should be making a concerted effort to warn our allies that Soviet oil is as serious a threat to freedom as an ICBM or a division of troops.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Illinois.

Mr. DIRKSEN. Mr. President, has the China resolution been laid before the Senate?

The PRESIDING OFFICER. It is the pending business.

Mr. DIRKSEN. May I inquire of the distinguished majority leader what the program will be after the action on the China resolution has been concluded?

Mr. MANSFIELD. That will conclude the voting for today. It is the intention—and this is done after consultation with the distinguished minority leader—to take up two or three minor bills, bills which are noncontroversial, and then adjourn until 11 o'clock tomorrow morning. It is my understanding, based upon conversations I have had with other Senators, that there is a strong possibility that there will be votes on the appropriation bill which will be considered tomorrow.

Mr. DIRKSEN. It is my understanding that the two bills which will come before the Senate tomorrow are the appropriation bill for the Independent Offices, and the appropriation bill for the Department of Health, Education, and Welfare.

Mr. MANSFIELD. That is correct.

BERLIN CRISIS SHOWS NEED FOR COLD WAR GI BILL NOW

Mr. YARBOROUGH. Mr. President, all of us regret that the repeated warlike threats of Khrushchev in the Berlin situation, and in stirring up similar trouble around the world, has forced us to substantially strengthen our military forces.

Americans and free men everywhere want peace, but they want their freedom even more—and we intend to keep it at any price.

President Kennedy's plan to order units and members of the Ready Reserve to active duty for up to 12 months under the present situation is reasonable and prudent. It has my wholehearted support as I am sure it has the support of the overwhelming majority

of this Senate and of the American people. I have just voted for Senate Joint Resolution 120 to grant that authority, and the Senate has approved it unanimously.

In addition, President Kennedy has found it necessary to order a doubling and tripling of the draft call so that many additional thousands of our young men will be called to the military service of our Nation. I believe that Americans and other free men have no greater privilege or responsibility than to serve the cause of freedom whenever and wherever they can help protect human liberty.

However, I do not believe that our young men should be called upon or expected to make the sacrifices alone. Those of us who remain at home owe these veterans of the so-called cold war a great deal of practical support.

It is for our defense and for our protection that they are laying aside normal civil pursuits and exchanging school books and work tools for rifles and fighter planes.

The best means of acknowledging the sacrifice of these young men is by passage of the cold war Veterans GI education bill, S. 349. Patterned after the thoroughly proven and nationally beneficial GI bills of World War II and the Korean conflict, the cold war Veterans GI bill is of vital importance.

This proposal, introduced by 37 Senators at the opening of the current session, will probably be before the Senate for consideration very soon. In view of the necessary buildup of military manpower, I strongly urge all sponsors and other Members of the Senate to stand together in the passage of this vitally important program.

RELATIONSHIP OF THE UNITED STATES WITH THE REPUBLIC OF CHINA AND COMMUNISTIC CHINA

The Senate resumed the consideration of the concurrent resolution, Senate Concurrent Resolution 34, relative to the relationship of the United States with the Republic of China and communistic China.

Mr. MANSFIELD. Mr. President, I yield now to the Senator from Connecticut.

Mr. DODD. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the second paragraph on page 1, it is proposed to add the following paragraph:

Whereas the Chinese Communist government has flagrantly violated basic human rights, has imposed on the Chinese people one of the most brutal regimes known to history, and is without authority to speak for the Chinese people other than the authority that derives from usurpation and tyranny; and

At the end of the third line of the third paragraph on page 1, it is proposed to add the following phrase: "by its export of narcotics to non-Communist countries, in collaboration with criminal elements in these countries, and on a scale that makes it the major source of the international illicit narcotics traffic."

Mr. DODD. Mr. President, I have submitted for the consideration of the Senate portions of a substitute resolution which received serious consideration by the Senate Committee on Foreign Relations, and lost out, within the committee, by the narrow margin of 9 votes to 7.

In terms of the actions they prescribe, the resolution reported by the Foreign Relations Committee and my own resolution were identical. They called for continued opposition to the recognition of Red China and its admission to the U.N., and for continuing support to the Republic of China.

Why, then, did I trouble to introduce a substitute resolution?

The U.S. Senate, in enacting this resolution, is not speaking to itself. We are addressing ourselves to the American people—yes, and to the peoples of the world. It is not enough, therefore, merely to indicate our continuing determination to keep Red China out of the United Nations. It is necessary to spell out the reasons which justify this attitude.

The amendments I now have submitted spell out some of these reasons in somewhat greater detail.

I consider a more detailed justification of our attitude all the more important because of the increasing pressure, both in this country and abroad, for the admission of Red China to the United Nations.

The great majority of those in the free world who favor the admission of Red China to the U.N. are not in any sense Communists or Communist sympathizers. Barely a week ago, even President Ayub Kahn of Pakistan, who enjoys a reputation as a stanch anti-Communist, added his voice to the chorus that is now clamoring for admission.

There is far too great a tendency in some quarters to look at this rising pressure, and to accept the ultimate admission of Red China to the U.N. as something inevitable. But there is nothing inevitable about Red China's admission and nothing irresistible about the campaign for her admission to the United Nations.

Pressure has been building up not because of any ineluctable process, but because we have been inactive. While the Communist parties and all their front organizations have been conducting an all-out campaign, we have done little or nothing to counter this Communist campaign and to present our own position.

If there is an increasing sentiment among the free nations for the admission of Red China to the U.N., I believe this is because the facts about Red China are not adequately known and the basic issues involved in admission are not adequately understood. For this lack of knowledge and understanding, we ourselves are largely to blame.

I am convinced that our position can prevail in the United Nations, that the present trend can be reversed, that an overwhelming majority of the U.N. member nations can be brought to oppose the admission of Red China. But to achieve this, two conditions have to be met.

First of all, we must make our own opposition to the admission of Red China unmistakably clear, instead of talking about the "inevitability" of admission and instead of putting out trial balloons about a "two China policy."

In his speech before the House of Lords on February 8 of this year, British Foreign Secretary Lord Home said that the United Kingdom—I quote—"has supported the moratorium on debates on whether or not Communist China should be seated in the U.N. because the choice, until now, has been between the admission of Communist China and the break-up of the United Nations, and so long as that was the choice, there was only one answer. It is for the United States to say, in their own time, what their attitude will be."

If we falter or fail in our determination, if it appears that we are prepared to bow before the inevitability of Red China's admission to the U.N., then it is only natural that those nations which have up until now been vacillating, will come out openly for admission.

If, on the other hand, we let it be known that we will oppose the admission of Red China with every resource at our command, including the ultimate resort to the veto, the nations that depend on our leadership would be given courage and those nations that are disposed to vacillate would probably continue to vacillate.

But in addition to making our determination unequivocally clear, we must, out of respect for the other free nations whose support we are soliciting, make our reasons for opposing Red China's admission unequivocally clear. We must present our bill of particulars in a manner that errs, if anything, on the side of detail and thoroughness. If we state our position weakly or state it incompletely, we are, whether we realize this or not, indirectly encouraging the mounting pressure which is used as an argument for revising our stand.

Let me examine a few of the details which I have incorporated into the preamble of my substitute resolution.

First of all, I consider it essential that we get across the point that the Chinese Communist regime does not really speak for the Chinese people, that it is a regime which is constantly at war with its own people.

This I consider to be a matter of first principle.

It is so regarded by our entire tradition.

It accords with our principles—

Said Thomas Jefferson in 1792—

to acknowledge any government to be rightful which is formed by the will of the Nation, substantially declared.

We do not accept and have never accepted physical control of a territory as the basic criterion in deciding on recognition. The Nazis controlled the whole of the European mainland for several years. But instead of recognizing the quisling regimes that exercised physical control over the European countries, we gave our recognition to governments in exile that did not exercise physical control over their territories.

In line with this, my substitute resolution contains a clause which reads:

Whereas the Chinese Communist government has flagrantly violated every human right, has imposed on the Chinese people the most brutal regime known to history, and is completely without authority to speak for the Chinese people other than the authority that derives from usurpation and tyranny;

I consider it important to make specific reference to the Chinese Communist occupation of large areas that have traditionally been recognized as part of the territories of India and Burma.

The Asian peoples may be prone to forget—prone, like all of us, to indulge in wishful thinking—but this is an issue they understand.

There was a cry of outrage from one end of India to the other when Prime Minister Nehru revealed some 2 years ago that the Chinese Red army had occupied substantial portions of Sikkim and Bhutan on the northern frontier of India. Conservatives, Socialists, people of all parties, demanded that the Government take stronger action to deal with this aggression. There were even important defections from the Indian Communist Party.

Prime Minister Nehru, for reasons of his own, has seen fit to mute the issue, although there has been no withdrawal of Communist forces. I feel that only good can come of reminding the people of India that the Chinese Communists still occupy large segments of Indian territory.

One of my proposed amendments reads as follows:

Whereas by its export of narcotics to non-Communist countries, in collaboration with the most depraved criminal elements in these countries, and on a scale that makes it the major source of the international illicit narcotics traffic;

I consider this addition to be of the greatest importance. For some strange reason, very little is known about Red China's role in the international narcotics traffic, despite the fact that it has been the subject of intensive investigation by congressional committees, despite the repeated statements of Mr. Harry Anslinger, Federal Narcotics Commissioner, despite the occasional article in the American and European press.

The description of Red China as "the major source of the illicit international narcotics traffic" is taken verbatim from a statement made by Mr. Harry Anslinger early this year. According to Mr. Anslinger, seizures of raw opium in the countries bordering Red China totaled 15,000 pounds during 1959. Virtually all of this had come from Chinese territory. Since law enforcement in these countries is primitive, it can be taken for granted that the seizures amounted to only a tiny fraction of what actually got through to the Free World.

According to the Journal de Gènève, one of Europe's most authoritative newspapers, the Chinese Communist regime has been zealously expanding the production of opium in carefully guarded state farms. Opium farms have been established in every corner of China where the climate is most favorable. Over the 10-year period ending 1959, the Communists, said the Journal de Gènève, had increased opium production from 8,000 to 13,000 tons, and the production curve was still upward.

Thirteen thousand tons equals 26 million pounds. Think of what 26 million pounds of opium could do to the stamina and morale of the people in the surrounding countries and, for that matter, throughout the free world.

In our own country, drug addiction has more than trebled since the end of World War II. And it is estimated that drug addiction is responsible for approximately 50 percent of all crimes committed in the larger metropolitan areas and 25 percent of the reported crimes in the Nation. This is what Red China is doing to our own Nation through the international dope traffic, and this is what she is doing to other nations.

The Chinese Communists utilize the export of opium to obtain foreign exchange and for direct subversion. A report of the Senate Judiciary Committee published in 1956 stated:

Subversion through drug addiction is an established aim of Communist China. Since World War II, Red China has pushed exportation of heroin to servicemen and civilians of the United States and other free nations of the world.

Sworn testimony before this subcommittee, and the Internal Security Subcommittee, setting forth names, dates, secret codes, methods of smuggling, and drug seizures chemically analyzed, prove beyond any doubt that Red China is producing and exporting opium and heroin as an established policy of its governing officials. This is further confirmed by reports of the United Nations Commission on Narcotic Drugs.

The United States is one of the principal targets of this vicious illicit traffic in drugs as the Peiping regime seeks (1) to obtain dollars to purchase strategic materials and to pay foreign operatives and (2) to demoralize susceptible individuals in our military services and in the general population.

In every civilized country the peddling of narcotics is regarded as a crime that ranks with murder and kidnapping. That any government should engage in this crime and make this crime a major source of foreign revenue is, to my mind, unspeakably vile. This one fact by itself should be encugh to bar Red China from the United Nations.

The integrity of the United Nations would suffer far less if "Lucky" Luciano were to appear as the head of a delegation than it would from the seating of Mao Tse-tung, the arch dope peddler of all time.

Mr. President, I ask unanimous consent to insert into the RECORD at the conclusion of my remarks the following documents: First, the article by Harry Anslinger entitled "The Red Chinese Dope Traffic," Military Police Journal, February–March 1961; and second, the article entitled "Peiping and the Policy of Poison," Journal de Geneve, June 20, 1960.

I also believe, Mr. President, that we have permitted the issue of Tibet to be too easily forgotten. After all, the Chinese Communist invasion of Tibet is only 2 years old, and the incredible reign of terror which began after the suppression of the Tibetan uprising, has, if anything, been increasing in intensity with the passing months.

The terror instituted by the Chinese Communists in Tibet was described in painful detail in a report published by the International Commission of Jurists, an esteemed body which enjoys consultative status with the United Nations, and on which there are outstanding jurists from Asia, Africa, Europe, and the Americas.

According to the summary of the International Commission of Jurists, Chinese Communist treatment of the Tibetan people violates virtually every single clause of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948.

It would seem difficult to recall a case—

Said the report—

in which the ruthless suppression of man's essential dignity has been more systematically and efficiently carried out.

The Commission said that it was their considered view that the evidence points to a prima facie case of a systematic intention to destroy in whole or in part the Tibetans as a separate nation and the Buddhist religion in Tibet.

Mr. President, Red China stands guilty of so many crimes against humanity that it is preposterous to me that this criminal regime should even be considered for membership in the United Nations.

Red China is guilty of aggression in Korea, in Vietnam, in India and in Burma.

Red China massacred United Nations soldiers in Korea, with their wrists tied behind their backs. It failed to return thousands of prisoners who were known to be in its custody.

The Chinese Communist regime is guilty of mass murder in its own country and of genocide in Tibet.

It is more guilty than all the Lucky Lucianos combined, for the international narcotics traffic and all the misery and suffering that this imposes on mankind.

Because there is so much ignorance and so much forgetfulness, however, it is up to us to make the case, to make it in irrefutable detail, and to make it repeatedly.

If we do so, I am convinced that we will have the overwhelming support of free world opinion and of the free delegations to the United Nations in opposing the admission of the Red Chinese regime to a body that is supposedly based on the Universal Declaration of Human Rights and on the rule of law in international affairs.

Two of the suggested amendments I have described are, in my judgment, of such fundamental importance that I have submitted them for the consideration of the Senate: the phrase concerning Red China's role in the narcotics traffic, and the clause pointing out that the Red Chinese government is a tyranny which cannot and does not speak for the Chinese people.

I ask unanimous consent to have printed at this point in the RECORD the

supporting material and documents in connection with my amendment.

There being no objection, the data were ordered to be printed in the RECORD, as follows:

[From the Journal de Gênève, June 20, 1960]

PEIPING AND THE POLICY OF POISON

(By Pierre Guillery)

In Japan, the police have recently discovered an important traffic in drugs with (Red) China. This discovery leads directly to those who have already been suspected of dealing in heroin and morphine and of exporting it from Peiping to finance world-wide Communist subversion.

Last year, with the arrest at Kobe of the Chinese Wang-sheng called "the king of drugs in Japan," the local police exposed many subversive organizations established in Japanese territory. The network has illegally brought into Japan hundreds of millions of U.S. dollars worth of drugs in the past 10 months.

But there is another more important aspect to the discovery. The interrogation of the suspects brought out some interesting facts regarding the exact details of the transportation of heroin and morphine beyond the Chinese frontiers. At Tokyo, due to the collaboration of numerous police in Asia, it was already known that the drug leaves China by four principal routes:

First of all, there is the north China route which, after leaving the ports of Tsintao, Weihaiwei, and Tientsin, leads through Japan and South Korea.

Next, there is the Shanghai route, which goes through the Mideast and Africa. There, Baghdad is the final distribution center.

There is also the Kwang-chow route, which leads to Hong Kong and Macao.

Last, but not least is the Yunnan route of which Kunming is the administrative center.

This Yunnan route was, until now, believed to end at Burma and Thailand. That is not so. It is now known, as revealed by those arrested, that the Yunnan route leads to Japan and from there, reaches out to Okinawa, Hawaii, and the American continent.

The Japanese have been aware of the problem for many years. They often spoke of the "policy of poison" being practiced at Peiping. They know, in particular, that although opium is not smoked to any great extent in Red China now, nevertheless, the plant is not less intensively cultivated. In fact, during the past 10 years, the area of poppy plantations has increased from 10,000 to 17,000 hectares, whereas the production of crude opium increased from 8,000 to 13,000 tons annually. This year, if the weather is good, a record crop exceeding 15,000 tons is expected.

OPIUM FARMS BEHIND BARBED WIRE

From available information in Japan (and confirmed elsewhere) Peiping has established opium farms in every corner of China whereever the climate is most favorable for it: the northwest, northeast, southeast, and the center of the country. The most important plantations are in the Szechwan, Ninghsia, and Yunnan areas. The best known installation is in the mountainous district of Lingyuan (Province of Jehol) in Inner Mongolia.

One of its employees escaped from this farm during a revolt last year. The escapee disclosed the hardships those years which he and other volunteers had endured while cultivating the 2,700 hectares of poppies completely enclosed by electrified barbed wire fences. Below, in the Jehol, a civilian unit of guards were on duty day and night. They were, as an added precaution, surrounded by professional soldiers whose devotion to the Communist Party had been proven.

During the Second World War, China was manifestly the hell (or the heaven?) of the opium addict. The sweetish scent of the fumes of the drug floated freely in the air, noticeable to anyone walking through the city. It was generally known that the pro-Japanese government of Mandchoukouo balanced its budget regularly by means of revenue derived from the sale of opium (20 to 30 percent of its total receipts, depending upon the years). The drug trade also served to finance the expenses of the Japanese intelligence service in China.

Sometimes, though involved in such important events as the seizure of a cargo of munitions destined for the nationalist troops, the capture of a Chinese general, tired of fighting, etc., the Japanese quartermaster general would immediately dispatch several fighter planes to Shanghai to locate the drug in Mongolia as quickly as possible.

At present the traffic has changed hands. In (Red) new China, it is the Communist Party itself which controls opium discreetly and strictly (no accounts nor statistics of production are ever published) from planting to exportation, on its way to be manufactured into morphine and heroin. This policy of opium does not date from yesterday. It was put into effect during the height of the heroin epoch of Yennan, when the Communist liberators awaited their opportunity to seize the Chinese continent.

The one responsible for the plan is Lin Po-chu, that is to say, the present vice chairman of the Peiping government. The original plan of Lin Po-chu has been modified only slightly in its present application.

According to the plan, it is Chen-Yun who decides on the foreign policy of opium. One might ask what other policy he could possibly be concerned with since the use of the drug is henceforth forbidden in China. Under the command of Chen-Yun, the one responsible for foreign operations is the ex-minister of foreign affairs of Peiping, Wan Chia-hsiang (present chairman of the "overseas department of the Chinese Communist Party"). Under the direct jurisdiction of Wan Chia-hsiang, are Messrs. Liao Cheng-chi, Lee Chu-li, and Lien Kuan (all three vice chairmen of the same overseas department of CCP).

For the administration of the opium industry, this overseas department of CCP has 21 special bureaus (bureau of transportation and trade of special products; bureau of foreign commerce; bureau for the management of special products; bureau of machinery used for special products, etc.)

The best Japanese (and America) sources agree that the principal opium manufacturing plants are located at Wushi (near Shanghai), at Kwang-chow, at Kunming, and at Chiao Hsien (in Shantung).

THE AMATEURS OUTSIDE THE BOUNDARIES

Prudently, however, the Communist Party does not interfere with smugglers who carry the drug outside the Chinese boundaries. The road is open to the amateur smuggler. These are the soldiers on leave, pilots (ship or plane), the tourists who are interested in making easy money fast by transporting the drug.

Often morphine or heroin is even transferred without the knowledge of the traveler. An American pilot assigned to regular liaison duty between Japan-Hong Kong, was astounded one day on his return from a mission. Called to the phone when about to take a shower, in the airport at Tachikawa (not far from Tokyo), he surprised a Japanese employee occupied in extracting drugs from the soles of his flight boots.

To avoid attracting attention, from the noninitiated, the drug is given various code names. For example, opium is called 0039; morphine, 0040; heroin, 0041. On a telegram, these numbers easily pass for the time of arrival or departure of planes.

According to the Japanese, the trade is important. Every year, Japan reports, many millions of yen go to Communist organizations. But, as to Peiping, it does not resort to tricks. Its profits are invested on the spot. The sale of the drug serves to finance Communist subversion. Here, it is said, that an overwhelming detailed report is in the process of being put together slowly. Some day, perhaps soon, it will be deposited with the United Nations for general edification.

In the meantime, one can believe that Peiping never forgets the interests of its smugglers, disputing on a diplomatic level, the outline of her frontiers with neighboring Burma, India, or Nepal.

THE RED CHINESE DOPE TRAFFIC

(By the Honorable Harry J. Anslinger, U.S. Commissioner of Narcotics, U.S. Treasury Department, Washington, D.C.; U.S. Representative to the United Nations Commission on Narcotic Drugs, and member of the advisory board, Military Police Association)

INTRODUCTION

The U.S. Bureau of Narcotics is responsible for the detection, investigation, and provention of violations of the Federal narcotic and marihuana law, the Opium Poppy Control Act, and the Narcotic Drugs Import and Export Act. The Bureau of Narcotics directs its major efforts toward the suppression of the illicit narcotic traffic at the interstate and international levels. While the increased penalties, provided by the Narcotic Control Act of 1956, are having a restraining effect on the illicit narcotic traffic in the United States, Federal narcotic agents are still at grips with the highly organized interstate and international traffickers who have become extremely cautious in the face of heavier sentences.

To meet the indisputable challenge to our country ever present in the international illicit narcotic traffic and to restrict the quantities of narcotic drugs entering this country illegally, the Bureau of Narcotics has several officers abroad. These agents, in cooperation with government officials in the Near East and in Europe, conduct undercover investigations of major violators and suspects in these areas.

Reliable statistical information concerning narcotic drug addiction is acquired and tabulated through the combined efforts of Federal, State, and local law enforcement agencies, which report to the Bureau of Narcotics all addicts coming to their attention. The Bureau of Narcotics has on file the names of approximately 46,000 addicts and supporting data as to the date and place of birth of the addict, sex, race, nature of addiction, drug used, period of addiction, and the cause of addiction.

Contrary to erroneous reports, addiction in the United States since the end of the war has declined every year and continues to decline. Many of our cities and States have been swept relatively clean of the narcotic vice. Even in the five large metropolitan areas in which are found 76 percent of the addicts of this country, the heroin is highly adulterated. It is also very expensive, which indicates scarcity.

Now, 93 percent of the addicts use heroin, and police reports show that not more than 10 percent of the addicts who come to their attention undergo severe withdrawal symptoms when unable to obtain the drug. This is in marked contrast to a few years ago when heroin was more readily available. However, as long as there is any addiction in our country, eternal vigilance by all law enforcement agencies must continue.

The excellent cooperation which exists between the Federal Bureau of Narcotics and local and State enforcement agencies is

largely responsible for the effective enforcement of narcotic laws at all levels. While the Bureau of Narcotics concentrates on the traffic of wholesalers and interstate and international violators, pressure is exerted against all narcotic law violators through the cooperation of State and local enforcement agencies.

Effective aid to State and local narcotic law enforcement agencies continues to be afforded by the Federal Bureau of Narcotics Training School, organized under the Narcotic Control Act of 1956. Since then 691 law enforcement officers have graduated from the school, representing 282 enforcement agencies, 43 States, the District of Columbia, Puerto Rico, and 18 foreign countries.

We are particularly gratified that military police officer alumni of our school now number 80 and we heartily encourage additional students to attend. In this connection we must gratefully acknowledge the fact that during the period shortly after World War II and before the establishment of the Federal Bureau of Narcotics Training School, our new agent recruits attended the Military Police Criminal Investigation Course at the Provost Marshal General's School, Fort Gordon, Ga.

With the assumption by State and local law-enforcement agencies of responsibility for policing the intrastate illicit retail narcotic traffic, Federal narcotic agents devote their efforts to a considerably greater degree toward eliminating the major sources of illicit supply in the interstate and international traffic of narcotic drugs.

A SIGNIFICANT CONSPIRACY CASE

Almost every country in the world cooperates toward containing the international traffic in illicit narcotics. Cooperation among our North American neighbors has been outstanding. Our undercover officers have assisted police in several South American countries in breaking up gangs engaged in smuggling illicit narcotics to the United States. Countries in Europe and the Near East make tremendous narcotic seizures. In some of these investigations, where smuggling to the United States and Canada was indicated, our officers stationed abroad were invited to assist. Thus, the illicit heroin traffic from abroad toward the eastern coast of the United States is successfully attacked.

Unfortunately, the same thing cannot be said for heroin entering our country through the Pacific coast. The source of this heroin is the Chinese mainland—Red China.

In January 1959 we concluded an investigation involving the smuggling into the United States from the Far East of 270 pounds of heroin, amounting to millions of dollars in the illicit narcotic traffic during the past 6 years. A total of 21 Chinese conspirators were engaged in this vast operation. Twelve of them reside in Hong Kong, Macao, and Shanghai; they were responsible for bringing this staggering amount of heroin into our country.

Those 12 gangsters were beyond the prosecutive jurisdiction of our country and escaped punishment. The British authorities at Hong Kong were furnished all available information regarding those living and operating in that city. But Communist China took no action, just as in the past.

The grand jury of the U.S. district court at San Francisco, Calif., returned a criminal indictment against this gang.

Documents seized during the course of the investigation proved that the heroin originated in the Province of Szechwan, Communist China, and was smuggled to various U.S. ports via Hong Kong. The c.o.d. price in the United States paid by the American-Chinese receivers averaged $360 per ounce. The principal conspirators traveled from Formosa to Hong Kong and to the Chinese mainland in furtherance of these transactions.

George W. Yee, of San Francisco, Calif., proprietor of a men's clothing store in the heart of Chinatown, the mastermind of this ring in America, was never previously arrested. During the past 2 years he was president of the Hip Sing Tong (an organization) in San Francisco. Among his associates residing in the United States was Jung Jim, of Portland, Oreg., who was serving a 12-year penitentiary sentence in an Oregon State prison on another narcotic charge at the time he was arrested in the present case. Jung Jim, convicted in another narcotic case developed by our San Francisco office, received a substantial penitentiary sentence in this case.

Another co-conspirator, Chung Wing Fong, was president of the same tong during the year 1956.

The Bing Kong Tong, Portland, Oreg., also figured in our investigation. Its president was a mediator who settled disputes regarding commissions on some of the illicit narcotic deals between two conspirators in this investigation. The complainant produced figures and facts entered in his personal diary and records to support his claim.

One of the many purposes of Chinese tongs in the United States is to provide various services to their paying members. Most of the activities of these organizations are legal; however, some are not. Narcotic trafficking is probably one of the most lucrative criminal operations of a few tongs.

One year of painstaking investigation preceded the successful development of this international narcotic conspiracy. In February 1958, an undercover agent of the Federal Bureau of Narcotics penetrated a San Francisco faction of this Chinese gang, making several evidential purchases of heroin from them. During the next 2 months this same officer, always working at great personal risk to himself, gained the confidence of another branch of this gang in the neighboring State of Orgeon. Negotiations involving secret meetings under most difficult circumstances culminated successfully with narcotic evidence purchased from them. A third section of this Chinese gang was outwitted by the same courageous officer of our Bureau of Narcotics. His accomplishment was even more dramatic because he was not of oriental ancestry.

Concomitant surveillance by other officers of the Bureau of Narcotics resulted in tightening the net of complicity around other members of the gang. Many documents, all written in Chinese, were seized by our agents. They were translated by two different interpreters to insure accuracy. Little pretense was made to disguise the language of the documents. The defendants thought they were taking safe refuge against police detection by using their native language. One of the prisoners made simple and concise entries in his diary, listing the amounts of heroin he purchased, the prices paid, prices he received for sales of wholesale and retail lots of the heroin.

Some of the prisoners made complete confessions corroborating evidence of this startling traffic in death, tracing the path from the China mainland to dingy Shanghai port dens frequented by Chinese sailors who were recruited to smuggle the heroin into the United States via Hong Kong.

OTHER SEIZURES IN THE UNITED STATES

The George Yee case was not an isolated investigation involving the smuggling of Communist Chinese heroin to the Pacific coast of the United States. Many others have followed the same pattern, which we strongly fear will continue.

Most of the 270 pounds of heroin trafficked by the George Yee gang was in brick form. In June 1957, our New York office developed another case leading to the seizure of one-fourth kilogram of this same type of heroin from Yau Lau, a Chinese. Investigation disclosed that this was only a small portion of a very large quantity previously smuggled into our Pacific coast from Communist China. Yau Lau was sentenced on July 29, 1957, to 7½ years in prison.

A few years ago the Bureau of Narcotics obtained conviction of some 30 conspirators who smuggled large quantities of Communist Chinese heroin into the United States. That was the George Douglas Poole case. For several years Poole was suspected of being the ringleader of a group of merchant seamen engaged in smuggling enormous quantities of heroin from Communist China into the United States. The scope of this smuggling activity was not fully appreciated until the story of their conspiracy unfolded in testimony given by two members of the ring.

The smuggling venture was started in 1948 by Anthony J. Longobardi and two other merchant seamen. New members joined the ring and the tempo of their smuggling increased under the leadership of Poole, who had joined the group shortly after its inception. The smuggling method of this group hinged on the fact that the majority of members were merchant seamen, shipping out from San Francisco to ports of the Orient.

Prior to the time one of the ring was due to sail, members of the group placed equal amounts of money in a pool for the purchase of narcotics. The member acting as courier met the heroin source in Hong Kong when his ship docked and received the shipment of heroin.

The ring had access to three separate sources of this Communist Chinese heroin. These mysterious suppliers were known to the smuggling group only as Abdul, Calli, and Goldteeth. The quantities of heroin smuggled on each trip usually involved several kilograms. After obtaining delivery in Hong Kong, the courier returned to the ship and hid the contraband until the vessel cleared the last port of call, Honolulu. The heroin was then removed from its place of concealment and sewed into the inner lining of a parka, a jacket commonly worn by seamen.

When the ship arrived in San Francisco harbor, a longshoreman member of the gang would board the vessel in the bay along with other longshoremen. While the ship was preparing to dock, he would exchange the parka he was wearing for the parka of the courier containing the heroin and would eventually leave the vessel unmolested and free from search, carrying the heroin. The shipment was then distributed by the ring in wholesale quantities to dealers along the Pacific coast. From time to time members of the ring would hold meetings to split the proceeds and arrange for additional heroin shipments.

Heroin smuggled into the United States by this ring was estimated at 70 kilograms. It is believed, however, that this was a conservative figure, and that the actual quantity greatly exceeded that amount, as some members of the group were able to establish themselves in business from the proceeds of their heroin smuggling.

These gangsters received long sentences in the penitentiary, putting an end to their operation for many years.

Two seizures made by agents of our New York office in 1958 again indicated the Chinese mainland as the origin. On May 1, 1958, narcotic agents assisted by customs officers and local police arrested Yu Hong Ting and his wife, Leung Tam Yong Ting, in their curio shop. A thorough search of the shop revealed 50 ounces of almost pure heroin. It had been concealed in novelty pillow cases inside a large tea container. As the officers were approaching Yu Hong Ting's apartment nearby, they seized an additional 1½ ounces of heroin which Ting dropped on

the street from his pockets. At the apartment 15 ounces more heroin was seized, along with a large quantity of paraphernalia for mixing, cutting, and packaging narcotics. The defendant, Yu Hong Ting, said the narcotics were obtained from a seaman named Lim Yew Ming from Shanghai.

The above seizure was connected with an investigation conducted by Japanese authorities when on February 18, 1958, they seized 28 ounces of pure heroin from Lin Po Huai, allegedly of Communist Chinese origin. This heroin and that seized from Yu Hong Ting in New York City had approximately the same chemical characteristics—86 percent purity, physical appearance, infrared spectrum, and melting point.

The other New York City seizure was made on August 27, 1958, involving 25 pounds of crude opium seized from three Chinese seamen. Previously an undercover agent had received a 55-grain sample of this opium from the ringleader, Roy Chen.

UNITED NATIONS

The major source of the international illicit narcotic traffic has been, and still is, Communist China. Literally tons of narcotics are being smuggled into Burma, Thailand, Hong Kong, and Macao for evil use in those areas and for transshipment to Japan, the Philippines, Canada, and the United States.

Ever since 1952, we have called to the attention of the U.N. Commission on Narcotic Drugs the enormous illicit traffic in narcotic drugs pouring out from the Chinese mainland to many countries of the world. We have repeatedly brought the traffic originating in Communist China into sharp focus. We have supplied the United Nations with information regarding seizures within the United States of illicit narcotics originating directly from Red China, or which were transmitted through other Far Eastern countries before arriving in the United States.

Some Far Eastern countries have specifically labeled Red China as the source of narcotics they have seized. Other countries in that region, however, have been somewhat reluctant to speak or report in this same candid fashion before the U.N. Commission on Narcotic Drugs.

It is necessary to stress that one of the principal functions of the U.N. Commission on Narcotic Drugs is to report all known facets of the international traffic in illicit drugs—to study general trends and features of this traffic—to devise national and international measures to combat this traffic, including mutual cooperation among nations. The United States has diligently shared this responsibility whether or not a regrettable situation is evidenced in a friendly country. Since the Commission on Narcotic Drugs is strictly a functional and technical organization, political considerations are never taken into account, per se, unless of course dope trafficking is used as a political tool.

The U.S. Government has always reported on the international traffic truthfully and accurately even when such information might affect our allies. The same candor is manifested in relation to our political opponents.

The specific cases involving Red China, some of which have been previously described in this article, were openly reported by our Government in prior annual meetings of the United Nations.

The 1959 George Yee conspiracy case was presented by the U.S. delegation to the Commission on Narcotic Drugs at the 1960 (15th) session at Geneva, Switzerland, in substantially the same detail as covered in this article. This was merely one of many cited by our delegation and part of a very detailed report in relation to the global analysis of the illicit narcotic traffic. For the purpose of this article, we shall furnish only those excerpts which relate to the traffic around which Red China is directly involved.

At the 1960 meeting, we cited that in 1959 approximately 15½ tons of raw opium was seized in the Far East. Thailand seized more than 8 tons of this quantity. The Government of Thailand sent reports to the United Nations Secretary-General in May 1959 of seven raw opium seizures made between November 7 and December 19, 1958, totaling 687 kilograms. Thailand also reported 11 seizures of raw opium made between November 7 and December 17, 1958, totaling 884 kilograms. Ten more seizures of raw opium between March and November 1959, totaled 1,142 kilograms.

The Thailand representative described all of the foregoing raw opium seizures as having come from beyond the northern frontier.

The Government of Burma officially reported seizures totaling about 2½ tons of opium presumably originating in the Yunnan region and the Shan States of Red China. More than 2 tons of opium was seized in Singapore and the Malayan States and reported to the United Nations as being of the same Yunnan-Shan States origin. The British authorities reported equally large opium seizures in their Hong Kong colony, also presumably of Yunnan-Shan States origin.

The United States Delegation to the 1960 Geneva meeting publicly took the position that the bulk of these opium seizures originated in Red China specifically and not within this vaguely defined region.

Our delegation to the United Nations cited its concern at this traffic because although much of this opium is consumed by addicts in the Far East, a large portion of it is used as raw material for the illicitly manufactured heroin which is smuggled to the United States. We also observed that on occasion raw opium is smuggled to the United States directly from the Far East. In March 1960, for example, 2 kilograms of raw opium and prepared opium were seized from Chinese traffickers in New York City following the purchase of one kilogram of opium by an undercover police officer. The opium was smuggled directly from Hong Kong but since there is no opium production there the true origin was probably Red China.

This concluded the remarks of the U.S. delegation with specific regard to the opium traffic. The next aspect covered by us was the traffic in morphine-base or crude morphine. This is the intermediate raw material between opium and the final product—heroin.

Our delegation expressed its great concern at the traffic in morphine-blocks or bricks bearing the "999" symbol. Nationalist China reported a seizure of 1⅛ kilograms of morphine-blocks on August 26, 1959. At Kowloon, Hong Kong, on July 14, 1959, the Hong Kong police seized 8 kilograms and 346 grams of morphine-blocks, each bearing the well-known trademark "999." On March 31, 1959, the Hong Kong authorities seized 1 kilogram and 970 grams of morphine-blocks with the trademark "999." On November 10, 1958, the Hong Kong police seized two suitcases aboard a British Overseas Airlines Corporation aircraft arriving from Bangkok, Thailand, containing 35 kilograms of block-morphine and powdered-morphine. The blocks bore the familiar "999." The powdered-morphine packages were stamped with a letter "A" and carried a metal seal with Chinese characters meaning "Shanghai" in Red China.

The representatives of China (Free China) explained the August 26, 1959, seizure by stating that this traffic existed between Taiwan (Free China) and Hong Kong, but every indication was that the morphine was of Communist Chinese origin and manufacture.

The representative of the United Kingdom stated that the morphine-blocks in this and other seizures appeared to be of Yunnan origin; that there was no proof of other origins though there might very well be other origins.

After citing these facts the U.S. delegation publicly declared that references to origin being of the Yunnan area are vague and inadequate and we supported the view of the representative of Nationalist China—that the origin of the morphine-blocks bearing the symbol "999" and the origin of the powdered-morphine previously cited was Communist China.

The Japanese observer to the 1960 Geneva meeting cited a case involving the seizure of 2 kilograms and 53 grams of morphine and 2 kilograms and 136 grams of heroin from a U.S. Air Force enlisted man named Marshall R. Wilmot on June 14, 1959. Personnel of the U.S. Air Force Office of Special Investigation (OSI), those of Japan, Hong Kong, and Free China, collaborated in this joint investigation. In this connection, the U.S. representative quoted from an American newspaper story with a Japanese dateline in which the Japanese authorities announced this seizure had been made from a narcotics ring which had smuggled an estimated $278 million in drugs from Communist China to Japan during the past 10 years.

Following these statements on raw-opium and morphine-base, the U.S. delegation directed its discussion before the 1960 Geneva meeting to the matter of the heroin traffic. The details previously mentioned with regard to the George Yee conspiracy case were presented to the assembled delegations. We also cited a recent and subsequent development to this investigation which occurred on April 19, 1960, with the arrest by agents of our U.S. Bureau of Narcotics at San Francisco of three Chinese for possession of 90 grams of heroin. Investigation disclosed that this group had taken over the heroin business formerly handled by the Yee gang. It was further established that Red China was the source for the heroin trafficked by this new group.

Two additional heroin seizures, independent of those mentioned above, were also narrated to the 1960 United Nations meeting by the U.S. delegation. One of them involved the seizure of 197 grams of heroin from three Chinese arrested on May 6, 1959, in an investigation conducted jointly by our agents and officials of the U.S. Customs Service at San Francisco. The defendants stated that the heroin came from Red China.

The other case was of more serious consequence. On June 4, 1959, Lee Edgar Sartain gave a special employee of our Bureau in Honolulu, Hawaii, a sample of 20 grams of heroin. On June 6, Sartain was arrested. Two days later a briefcase belonging to Sartain was seized and found to contain 1 kilogram and 54 grams of heroin, the largest quantity ever seized in Hawaii. Sartain owned bars in Honolulu and the Orient and worked as a theatrical agent in the Far East. He was constantly seeking outlets in the United States for heroin he obtained from Communist China in enormous quantities.

Before the U.S. representative concluded his remarks to the assembled United Nations delegates, he asserted the appropriateness of referring to another situation in the Far East, which involved Communist North Korea. It was stated that, starting from 1955, a total of 700 Communist agents, dispatched from North Korea, were arrested in South Korea. The astonishing fact was disclosed that 40 percent of these 700 agents had narcotics in their possession for the purpose of raising fifth-column operations funds. The total quantity they carried was about 70 kilograms, valued at around $700,000, of which 5 kilograms of heroin were seized from Kim Ding Kyuk, 6 kilograms of heroin from Tai Soon Lee, and 12 kilograms

of morphine from Myung San Yang—all nationals of North Korea.

The latter top-spy leader received the death penalty. Another violator was Yi Mong Yong from whom 3 kilograms of morphine were seized at Hong Kong in connection with the previously mentioned case of the U.S. Air Force enlisted man, Marshall Wilmot.

CONCLUSION

In the face of overwhelming evidence produced at the 1960 annual United Nations meeting, as well as in the past, against Communist China, nothing has been done by Communist China to check this mushrooming traffic in dope. This evil trade in narcotics, whether in the form of raw opium, morphine, or heroin, has a tremendous adverse effect on the welfare of the United States. It is regrettable that other countries who also suffer from this Red Chinese dope traffic refuse to place the blame where it correctly lies. We can only hope that eventually circumstances will permit all countries to join with our country in using the medium of the United Nations Commission on Narcotic Drugs and other international forums to marshal world opinion to force Communist China to stop this traffic in poison and death.

A fitting conclusion is the editorial entitled "Rioters, Paid From Profits of Chinese Dope Trade, Dim Communist Prestige, Not Ours," published in the September 17, 1960, edition of the Saturday Evening Post:

"It is well known that many of the supposedly fanatical students, whose rioting prevented President Eisenhower from visiting Japan last spring were putting on a great show for something like 80 cents a day, but there is less knowledge of the source of the money. It would appear that much of it came from the profits on Red China's sale of dope—heroin mostly—smuggled into Japan.

"The news that such funds were to be made available to Japanese agitators against Kishi and the American treaty was printed in the Orient last March, notably in Free China and Asia, a journal published in Taiwan (Free China).

"That Red China has been exporting huge quantities of opium and all its derivatives in all directions is common knowledge. The Japanese police have for many years complained that the profits from Red China's dope sales in Japan—estimated about 5 years ago to be $30 million a year—were going in part to the support of Japan's Communist Party. The payoff came when President Eisenhower's proposed visit to Japan triggered Communist-inspired protests.

"Hong Kong is swamped with opium, morphine, and heroin, as was revealed in a United Nations white paper published in November 1958, but the municipality hesitates to bring a direct charge against its powerful Communist neighbor. The Burmese and the Thais wring their hands over their inability to check the flow of opium, but can only say that it comes from somewhere beyond their frontier areas. But in Geneva last April, at the annual meeting of the United Nations Committee on Illicit Traffic in Narcotics, the American deputation had documents to show that substantial quantities of heroin coming into the United States through Hong Kong originated in Red China.

"More than 40 years ago Lenin declared that any kind of dirty work that forwarded the Communist cause was justified by what he called 'Bolshevik ethics.' But the sale of dope in a neighboring country and the use of the proceeds to foment riots against that nation's foreign relations is a new approach to diplomacy. Just why this dirty Communist business should be said to have destroyed American prestige in the world is outside our understanding."

Mr. MANSFIELD. Mr. President, this subject has been discussed with various members of the committee; and I understand that the committee is willing to accept the amendment.

Mr. DODD. I thank the Senator from Montana.

The PRESIDING OFFICER. The Chair notes that the first part of the amendment is to the preamble of the concurrent resolution. Therefore, the Senate will act now on the second part of the amendment.

The question is on agreeing to the second part of the amendment of the Senator from Connecticut.

Mr. DODD. Mr. President, I think both parts of my amendment have to do with the preamble, for the third paragraph on page 1 also has to do with the preamble.

The PRESIDING OFFICER. The Senator from Connecticut is correct; both parts of the amendment relate to the preamble. Therefore, they will be acted on after the Senate acts on the concurrent resolution.

The question now is on agreeing to Concurrent Resolution 34. On this question the yeas and nays have been ordered.

Mr. MUNDT. Mr. President, I should like to commend the distinguished Senator from Connecticut for the additions he has proposed to the concurrent resolution—additions which I believe the committee should accept and is prepared to accept.

The Senator from Connecticut [Mr. DODD] is one of our most vigorous crusaders against communism, and he especially deserves commendation for his amendment to add to the preamble of the concurrent resolution the paragraph dealing with the narcotics traffic.

It is strange that a great many persons in our country who are 1,000 percent opposed to narcotics are among those who feel there is something decent and attractive about admitting Red China to the United Nations. Even a few church groups curiously enough have been deceived and deluded into recommending this pagan polluter of public morals—this greedy exporter of narcotics should be given diplomatic recognition and accepted in the United Nations.

The best authority in the United States on narcotics is Harry Anslinger, who for many years has been head of the Bureau of Narcotics of the Treasury Department; his services there goes back almost beyond the memory of any living man. Just the other day I came across a statement by Harry Anslinger to the effect that 65 percent of the narcotics traffic in this country originates from Communist countries.

I believe the time has certainly arrived when we should call to the attention of good Americans everywhere the fact that if Red China were admitted to the United Nations and if we established normal trade and diplomatic relationships with Red China, we would be opening wide the floodgates to an enormous increase in the narcotics traffic, so as to make a bad situation even worse. We virtually would be inviting to our country these Communist supported dope peddlers to ply their wicked trade in an effort to expand juvenile delinquency, crime, prostitution, and a breakdown of our prized system of private and public morals.

Therefore, Mr. President, I congratulate the Senator from Connecticut for offering the amendment and for calling attention to a situation which is far too little publicized by elements of the press favorable to recognition of Red China and her godless and greedy Communist warlords.

Mr. DODD. Mr. President, has my amendment been acted on?

The PRESIDING OFFICER. No, for after examination it has been found that both parts of the amendment relate to the preamble of the concurrent resolution.

Mr. DODD. Mr. President, I ask unanimous consent that notwithstanding the Senate rule, the Senate now act on my amendment to the preamble.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from Connecticut [Mr. DODD] to the preamble of the concurrent resolution.

The amendment was agreed to.

The PRESIDING OFFICER. The question now comes on agreeing to the concurrent resolution, as amended.

Mr. DIRKSEN. Mr. President, I have no desire to make extended remarks on this subject, which has been discussed in the Congress many times. On 16 different occasions the Congress has passed on the same question, and I think all here are familiar with it.

I point out that the original concurrent resolution was submitted by the distinguished majority leader and myself, and it has been in the process of revision, in connection with the so-called preamble recitals; but the resolving clause is substantially the same as that carried in the original resolution.

I ask unanimous consent to have printed at this point in the RECORD the text of an analysis of the entire subject relating to the admission of Red China to the United Nations, which was made by Mrs. Geraldine Fitch, who far a long time lived in Formosa, and was called upon to make an analysis of the subject, and has been a long-time member of the so-called Committee of One Million. The title of the brochure is "Should the Chinese Communists Be Admitted Into the U.N.?"

I ask that the entire brochure be printed in the RECORD, together with the names of the congressional endorsers and also the names of the noncongressional members of the Committee of One Million.

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

SHOULD THE CHINESE COMMUNISTS BE ADMITTED INTO THE U.N.?

The question is again raised, "Why should not the U.S.A. recognize the Chinese Communist regime and approve of its admission into the U.N.?"

The two things are not the same, of course, but are closely interrelated because one would inevitably follow the other.

If any person who asks the question could put himself in the place of any Chinese living in a people's commune today—separated from family, working long hours, regimented to and from the fields under guard, living on subsistence rations or less—no argument would be needed to answer the question, for no American would ask it. But Americans cannot imagine life in a people's commune. They cannot believe that some 25 million Chinese or more have been liquidated, that 18 to 20 million more are in reform-through-labor camps, and that the rest of the millions are in government, the army, or people's communes.

But even if Americans have no experience enabling them to imagine life under the Chinese Communist regime, still there are many logical reasons why recognition would be a serious, possibly fatal, mistake for the free world. If the U.S.A. does not continue its firm policy against recognition and admission, no other country can be expected to do so.

There is continuing pressure on the U.S.A. and its State Department to recognize a Communist China, just as there have been continuous attempts to seat the Chinese Communists in the United Nations.

Each year as soon as the U.N. General Assembly is convened, a neutral nation or one of the Soviet bloc, brings up this question of Chinese representation, hoping to disqualify the very able Dr. Tingfu Tsiang, chief delegate of the Republic of China and his colleagues, and seat representatives of the Peiping regime in their places. Each year the effort is defeated.

The Outer Mongolian affair is a case in point. In 1955 the attempt was made to get the red camel of Peiping into the U.N. tent by nosing Outer Mongolia in first. The Republic of China used the power of the veto for the first time to prevent this. Soviet Russia, to be sure, had cast more than 80 vetoes in the U.N. to that date, about 45 of them to bar new applicants, but never did she receive such dire threats as were directed against the Republic of China for barring this wholly unqualified applicant from admission. Free China was even threatened with ejection from the U.N. Some warned that to use the veto against Outer Mongolia would be suicide for Free China.

Some Americans felt at that time that, while the Republic of China was right in objecting to membership for Outer Mongolia, she would gain friends by abstaining from the vote (and the veto) at the last moment, because a dozen other applicants were included in a package deal. It was a difficult decision, reluctantly made, but public opinion in Taiwan was unanimous, and the government felt it was a moral as well as a political issue. Free China could not swallow the camel of Outer Mongolia.

But many persons who will admit that Outer Mongolia is merely a puppet of Moscow and not a qualified state, still maintain that the Peiping regime is different.

It may be well then to review the cogent reasons for barring the Chinese Communists from the U.N.

Like Outer Mongolia, the Communist regime in Peiping does not qualify for membership as "a peace-loving state" or "able and willing to fulfill the obligations of membership." When four Communist countries were slipped into the U.N. by a "package deal," Sir Percy Spender of Australia said, "We now officiate at the burial of Article 4 of the Charter." To follow this up, by admitting the only nation officially labeled an aggressor by the United Nations, would be to bury the rest of the Charter. The Chinese Communists took up arms against the U.N. by entering the Korean war. There is still only an armistice in Korea, and the Communists continue to violate it. Since there is no peace treaty and no unification of the country, the so-called "People's Republic of China" is still an aggressor. Considering the Peiping regime's further oppression in Tibet and aggression in India, could anyone call that regime "a peace-loving state"?

Moreover, the Communist-controlled mainland has violated every principle of the U.N. Declaration on Human Rights. The official report Secretary General Hammarskjold made to the 21st session of UNESCO showed Peiping's inhumanity to its own people. The millions liquidated were, with few exceptions, good people—industrious farmers, educated leaders, peace-loving ministers, and priests. Another documented report to the U.N. put the number of slave laborers at 18 million. (Peiping has even exported slave-labor to Czechoslovakia and other satellite nations.) Yet another report with convincing documentation shows the Peiping regime is the major source of the world-wide narcotics traffic. The ramifications of this trade have a direct bearing on the increase in crime and juvenile delinquency in many countries, including America.

The Chinese Communists have not repented of their aggression in Korea. On the contrary, they continue aggression by invading Tibet and ruthlessly quelling the uprising for freedom there, by encouraging Communist rebels in Laos, invading the borders of India and building a road across the Indian state of Ladakh.

Peiping, aggressive satellite of Soviet Russia, contributes to instability and subversion all over Asia. She has sent Communist agents to make trouble in Singapore and Malaya and incited oversea Chinese in other parts of Southeast Asia. If seated in the U.N. she would be in a position to create more disruptive influences. The hope of free nations in Asia to maintain freedom would be dashed, and the neutrals—now beginning to understand communism as an international danger—would feel they must come to terms with it.

The State Department maintains that its policy is based on objective considerations of U.S. national interest. The United States does not wish to extend recognition because of the conviction that no tangible benefits to the United States, or the free world as a whole, would result. On the contrary, such recognition would be of material assistance to the Chinese Communists.

This is not an inflexible policy. The State Department maintains continual reappraisal of all available facts. If the situation in the Far East were to change in its basic elements, the United States would of course readjust its present policies. Such a basic change would be, for instance, an attempt on the part of the Chinese Communists to purge themselves of the charge of aggression toward other countries.

Recognition of a Communist China by the U.S.A. would be disastrous beyond calculation to the free countries of Asia. America's allies would feel betrayed, and the neutral countries would conclude that it was high time to make the best deal they could with Peiping. Among the disastrous results would be the transfer of the loyalties of the oversea Chinese to Peiping, and the inevitable seating of the Chinese Communists in the U.N.

The U.S.A. proposes to honor its commitments. America has international obligations to the republics of Korea, China, Vietnam, the Philippines, and the countries in SEATO. The Communists tell their people that the United States is a vacillating, wavering, and unreliable ally. The U.S.A. still has some conscience about the confidence that free nations of Asia have placed in its pledged word. America's obligation is to its allies, but neutral nations also can resist Communist pressures or blackmail better because of America's firm stand against Communist expansion. SEATO would crumble if the U.S.A. changed its policy.

Perhaps we should examine some of the delusions held, or the myths built up, about Communist-held mainland. Here are a few of them:

1. We are told it is unrealistic to ignore 650 million people.

Answer. The numbers may be exaggerated, but in any case, we do not ignore them. We know they are there, but we cannot reach them. Great Britain tried recognizing the Peiping regime, but their charge d'affaires has long cooled his heels in Peiping without being received. He was ignored. And full diplomatic relations with Britain have never been established. America did not ignore its Al Capones or "Baby-face" Dillingers but did not negotiate with them, or make "deals" with them. Since the aims of Peiping are incompatible with the aims of the U.N., it would be foolish to consider it a suitable candidate for admission. As foolish as proposing a candidate for the Democratic Party (or the Republican), if he opposed all that the party stood for.

The Peiping regime can no more speak for the people of China than a cat for the canary it has swallowed. Nor can they speak for themselves. They repeat what they are told to say, like tape-recordings. A plebiscite is frequently suggested for Taiwan. Why not for the Chinese mainland where the liquidations and reform-through-labor have taken place in violation of human rights?

2. We are told that recognition would not mean approval.

Answer. Technically, this may be true. But practically, and in the eyes of all Asia, recognition would be interpreted as approval and greatly enhance the international prestige of the Chinese Communists. The United States recognized Israel and Indonesia to encourage them. It established the principle of nonrecognition of Manchukuo to show disapproval of the fruits of aggression. The Communists are not asking that the United States recognize that they exist—the futile negotiations in Geneva and Warsaw do that. They want the prestige that would come with U.S. recognition, and they want "derecognition" in the U.N. of the Republic of China, the charter member which has shown itself "able and willing to fulfill the obligations of the charter."

3. We are told the Peiping regime will be in the saddle for a long time and we should do business with it.

Answer. The great Spanish scholar, Salvador de Madariago, once said: "You cannot be for the people and also for their oppressors."

If the people dared speak, they would cry out, "In the name of humanity, don't recognize our oppressors and destroy our last hope."

4. We are told that even if Peiping cannot claim it as a right, the United States should recognize it in order to relax tensions and bring peace to the Far East.

Answer. In other words, the United States is asked to make this concession in the hope that Peiping will stop doing what she should not have done all along. We would put an Al Capone on the police force so he might agree to stop murdering people. This would be a shocking proposal—to bribe the enemy to cease his enmity and especially to pay in something that does not belong to the United States, the human rights of another nation and people, including all those who have voted against the Communist regime with their feet by fleeing to Hong Kong, Macao, and Taiwan.

5. We are told we should recognize the Chinese Communists for the sake of trade.

Answer. The trade possibilities are vastly exaggerated. Trade is a two-way street. The 600 million customers are of little conse-

quence if they cannot buy. Trade with the Chinese Communists would be negotiated entirely for the benefit of the regime, not the people. Burma has received shoddy goods for her fine rice. Hong Kong has been the victim of dumping. Malaya has the same problem of goods priced below cost of production. American labor is unwilling to compete with countries that produce for world trade by slave labor.

6. We are told that since the United States recognized Russia, it should recognize the Peiping regime.

Answer. The United States of America did not recognize Russia for 15 years, and many think it was a mistake to do so then. Russia was an ally during World War II and came into the U.N. as a founding member.

7. We are told that the Chinese Communist regime has the support of its people.

Answer. The U.S. Government holds the view that communism is not permanent, but a passing phase; that the Communists, who are less than 1 percent of the people, cannot represent them; they represent only the Chinese Communist Party and world communism. The Communists admit innumerable uprisings, and hundreds of thousands of cases of sabotage. The chief delegate of the Republic of China, Dr. T. F. Tsiang, said in 1956 in the U.N.:

"It is very important for us to know what the 500 (or 600) million people of China want. Do they want the Communists to represent them here, or do they want my government to represent them? I should like to state that if the U.N. could conduct among the entire people of China a free vote as to whom they wished to have represent them in the U.N., my government would abide by the results of such a free choice of the entire people.

"Would the Communists allow such a plebiscite? I think not. They are afraid of free elections. They are perfectly aware that if such a plebiscite were to take place, they would be rejected by an overwhelming majority of the Chinese people."

In 1959, Dr. Tsiang said of the so-called People's Republic:

"It is a regime imposed upon China. We do not have to speculate on their will or wishes. At the conclusion of the armistice in Korea it was decided that every POW should be given his right of choice. More than 75 percent chose to go to free China and not to the Communist-held Chinese mainland. These POW's had been soldiers in the Communist army, subject to discipline, to brain-washing, and their homes were on the mainland, (yet) they chose to throw in their lot and their future with the Republic of China."

8. Some say "the right of the people of Taiwan—Formosa—should be safeguarded, while steps are taken toward the inclusion of the People's Republic of China in the UN." (The World Study Group of the National Council of Churches put it this way in Cleveland in 1958.)

Answer. Taiwan is one province of China. How could one safeguard the one province, and not consider the freedom of all the rest of China? The rights of Taiwan include the pledges of the Sino-American Mutual Defense Treaty. Recognition of the regime that seeks the conquest of Taiwan (by force if need be), would violate the rights of the people.

9. Many say: How can the government on Taiwan claim to represent all of China?

Answer. Because it is the only Chinese government elected by representatives of all the 600 million people. The representatives elected to the National Assembly have a majority outside of the Communist-held mainland. They have made the "Temporary Provisions for the Period of Communist Rebellion," which President Chiang Kai-shek and Vice President Chem Cheng continue in leadership, representing all the people of China.

10. We are told the island-born Chinese (or Taiwanese) want an independent republic and have a government-in-exile in Japan.

Answer. The island people never elected the handful of exiles in Japan who call themselves a government. They have no contact with them, no interest in the self-chosen group.

11. Today it is being said that inspection of nuclear disarmament cannot be enforced if the Chinese Communists are not in the U.N.

Answer. Without Russia's help, Peiping cannot in the foreseeable future manufacture or possess nuclear missiles. Soviet Russia, therefore, should be held accountable for nuclear disarmament in its satellite.

12. We are told we should make a Tito out of Mao.

Answer. It is merely wishful to think that Moscow and Peiping could be separated. The Mao-Stalin Treaty binds the Chinese Communists hand and foot industrially. Moreover, Mao has never given any indication of wishing to deviate from the party line, as laid down in Moscow. He is a dedicated Communist. Those who see Mao as a potential Tito are the same (or like-minded) persons who told us the Chinese Communists were "agrarian reformers." Just as they were then tools of the Kremlin, so today and for a long time to come, they are absolutely dependent on Russia for heavy weapons, planes, fuel to fly them, and the makings of any nuclear missiles they may possess.

13. We hear a great deal about economic and industrial progress on the Communist-held mainland.

Answer. Much less is heard about the inhuman conditions under which the people are forced to work. On the other hand, on Taiwan (an island the size of Massachusetts and Connecticut) 11 million people (more than in all Australia) live and work as free men, making spectacular progress economically, industrially, and agriculturally. Although the Chinese mainland is about 80 percent agricultural, their type of "agrarian reform" is an admitted failure, and rations have been reduced to export more foodstuffs to Russia. In Taiwan, land-reform has raised the standard of living to the highest per capita caloric intake in all Asia.

14. Every now and again we are told that the U.S. Government is about to change its policy and recognize a Communist China.

Answer. It is difficult in distant Taiwan to know when dispatches out of Washington are rumor, trial balloons, or real changes in U.S. policy toward the Republic of China. Disturbing, for instance, was the report that the United States was working on a plan to "guarantee the freedom and independence of an internationalized Taiwan."

The freedom and independence of Taiwan, present seat of the national government, are pretty well guaranteed by the Sino-American Mutual Defense Treaty and the presence of the 7th Fleet. To "internationalize" Taiwan would actually take away its freedom and independence, giving it the status of a trust territory under the U.N.—without the sovereignity it holds today, and probably without the second largest armed forces of the free world, which it now maintains.

In other words, this harmless-appearing balloon contained the noxious gas of the "two-China" idea—an island under the aegis of the U.N., not the independent country which has upheld the principles of the U.N. and kept peace in the Taiwan Straits for more than a decade.

Fortunately, an "internationalized" Taiwan is as obnoxious to Peiping as to Taipei. Peiping has flatly said it would not accept a seat in the U.N. until Taiwan was handed over to it, and the 7th Fleet was withdrawn from the Taiwan Straits.

The Republic of China which has bravely defended Quemoy and kept the atmosphere of Taiwan free of tension, a charter member of the U.N., and a loyal one, would walk out of the United Nations rather than see the Chinese Communists seated. It is futile then for Western nations to discuss solutions which neither side to the dispute would accept. This is unrealistic in the extreme. As often as this trial balloon is launched, the government pricks it.

Finally, American public opinion on this question is bi-partisan, well-defined and overwhelming. The American people have spoken in the following ways:

(a) A million and more private citizens signed a petition to President Eisenhower against recognition of a Communist China or its admission into the U.N.

(b) Many State legislatures, chambers of commerce (including the U.S. Chamber), the powerful American Legion, many men's clubs (including the Commonwealth Club of San Francisco by a vote of 2,118 to 112), and the General Federation of Women's Clubs, have voted against it.

(c) Congress—both Senate and House—have passed at least 16 resolutions (unanimous or nearly so) on this or interrelated issues.

(d) The National Conventions of both Democratic and Republican parties have put planks into their platforms against recognition of the Chinese Communist regime.

(e) The AFL–CIO (labor) has gone on record as unalterably opposed to admitting any more regimes into the U.N. that produce for world trade by slave labor.

(f) Besides this clear voice of the people, President Kennedy and many other high-ranking Government officials have announced that the United States is firm on this matter while the Chinese Communists continue their aggression and depredations.

There are some people who say, "It doesn't get you anywhere refusing to accept facts." Lord Clement Attlee, former Prime Minister of Great Britain, takes this position in a book he has recently written, and declares that the American refusal to recognize the Chinese Communist regime is extraordinarily stupid.

This is very much like viewing someone in a distorted mirror. If you stand where you see your friend in such a Coney Island mirror, the friend looks fat or thin, or elongated or extraordinarily stupid. But if you yourself stand before the same mirror of distortion—the laugh is on you.

When Lord Attlee was Prime Minister he refused to recognize the Communist regime of East Germany, a position Britain maintains to this day. Nor does the British Government recognize the North Korean regime or the government of North Vietnam. Both are facts (though we hope a passing phase). Is the British Government extraordinarily stupid not to recognize them?

Attlee's mirror is clear on East Germany and North Vietnam because his government recognizes the free governments of West Germany and South Vietnam. But his mirror is distorted when it comes to the Chinese Communists because he has never had the true perspective on the Republic of China. Taiwan is no Coney Island, but a bastion of freedom, and the temporary seat of government for the Republic of China. As such, it represents the free Chinese on Taiwan, the oversea Chinese communities of the world, and all the oppressed Chinese of the mainland who long to be free. It is extraordinarily stupid not to see this.

Nor is this all. The New York Times said editorially during the last election year on November 13, 1956, that it was unthinkable that China's old and rich civilization could be represented in the U.N. by the uncivilized regime in Peiping, adding:

"We cannot accept the bland thesis that the Peiping regime 'represents' the Chinese

people. It does not, certainly, represent the best of Chinese thought and culture. It does not represent the Chinese people by virtue of any popular mandate. It dare not submit itself to free elections. It 'represents' Marxism, Leninism, and complete subservience to the Soviet Union. And it represents a conquest of the great and good Chinese people by forces alien to them."

Some other clear voices have spoken cogently against recognition:

Senator PAUL DOUGLAS (Democrat, of Illinois), said on this subject: "Appeasement of tyranny never pays off. When every one of the soldiers, civilians, missionaries, and businessmen still held captive in Communist China is returned to freedom, when the 25 million Chinese slave-laborers are freed, and when the Chinese people has the opportunity to choose the government it wants in free elections supervised by truly neutral nations, then and then only, should Communist China be considered for membership in the U.N."

Dr. Stanley K. Hornbeck, former head of the Far Eastern Division of the State Department, a recognized legal authority on the subject, raised the question "Which Chinese?" in the journal Foreign Affairs:

"Has not the time come when, in approaching this problem, all men and all governments in the free world should ask with common solicitude: Which of those governments more truly expresses the way of life, the aspirations and hopes, the undeclared but fundamental will of the Chinese people? Which government can and will most authentically represent China? With which Chinese spokesmen can the representatives of other countries most amicably and most dependably deal? Which Chinese represent a peace-loving state, accept the obligations contained in the charter, and are able and willing to carry out those obligations? Which Chinese, if given wholehearted support by the free world, could contribute in greater measure to the cause of peace, security, freedom, and justice? In regard to those governments, then, what action by our country and others will most truly serve the interests of the family of nations and, in so doing, best serve our own? Are not these the most important questions that can now be asked in order to choose wisely between the two governments now functioning in China?"

In my book, "Formosa Beachhead," one thought runs like an alert throughout, and should serve as a warning today:

"The Communists want Formosa considered a U.N. issue, to be handed to them on a platter without the necessity of assault and conquest. Perhaps Formosa could be taken, via the United Nations, without a fight. The pressure will never let up to throw in Formosa as the price of peace—in Korea, in Indonesia, somewhere, anywhere. The friends of a free China must watch those who would talk of trusteeship, or Republic of Formosa, or recognition of a Red China, and prevent the continuing attempt to seat a Communist China in the U.N."

The next move in this continuing attempt is the effort by Britain and some European nations to set aside the moratorium that has heretofore prevented the procedural discussions of which Chinese should be seated as the charter member of the United Nations. It would seem as if any elementary schoolboy would understand which Chinese were elected to the seat. But even if the moratorium is set aside and the question is fully discussed, this does not mean that a majority of nations would thereafter vote for the seating of the Chinese Communists. As Assistant Secretary of State for European Affairs Foy D. Kohler has put it:

"A number of these countries, once the question is discussed, will find themselves up against the real problem that in voting, if they should want to vote the Red Chinese into the United Nations, the question will arise as to the status then of the national government in Formosa and they will be up against the fact that neither Peiping nor Taipei accepts any two-China formula."

And beyond all else, this is something so vital to Asian peoples that Americans should not even contemplate it without ascertaining how the people of Asia—both the allies of America and the neutrals—would feel if the United States changed its policy. An informal inquiry on this question sent to Asian countries (from Korea in the north to India in the south) recently brought varied responses. "It would be catastrophic to our people" said an allied country; a growing minority opinion in India said that "recognition had aided the Communist plan of further aggression"; and another neutral country expressed the opinion that today the neutralists can resist the Chinese Communists' encroachments by threatening to go Western, but if the United States recognized Peiping, they would be helpless in the face of pressures from Peiping. Of course free Chinese, whether in Taiwan or overseas, feel that such a calamitous move would destroy the last hope of their oppressed compatriots on the mainland. That is too great a price for America, land of the free, to pay in order to satisfy those who cry "Peace, peace"—when there is no peace. It would almost certainly lead to—not away from—the very war that many think they could so prevent. We have no right to destroy the hope of 600 millions of Chinese for freedom.

Statement submitted by the Committee of 1 Million to the Congress of the United States and now being circulated nationwide in petition form:

"We continue to oppose the seating of Communist China in the United Nations, thus upholding international morality and keeping faith with the thousands of American youths who gave their lives fighting Communist aggression in Korea. To seat a Communist China which defies, by word and deed, the principles of the U.N. Charter would be to betray the letter, violate the spirit and subvert the purpose of that charter. We further continue to oppose United States diplomatic recognition or any other steps which would build the power and prestige of the Chinese Communist regime to the detriment of our friends and allies in Asia and of our national security. Any such action would break faith with our dead and the unfortunate Americans still wrongfully imprisoned by Communist China and would dishearten our friends and allies in Asia whose continued will to resist Communist China's pressures and blandishments is so vital to our own security interests in that part of the world."

CONGRESSIONAL ENDORSERS—AS OF JUNE 1961

Representative WATKINS M. ABBITT, Representative THOMAS G. ABERNETHY, Representative, E. ROSS ADAIR, Representative JOSEPH P. ADDABBO, Representative HUGH J. ADDONIZIO, Representative CARL ALBERT, Representative HUGH Q. ALEXANDER, Representative DALE ALFORD, Representative BRUCE ALGER, Senator GORDON ALLOTT, Representative H. CARL ANDERSEN, Senator CLINTON P. ANDERSON, Representative JOHN B. ANDERSON, Representative VICTOR L. ANFUSO, Representative LESLIE C. ARENDS, Representative JOHN M. ASHBROOK, Representative ROBERT T. ASHMORE, Representative JAMES C. AUCHINCLOSS, and Representative WILLIAM H. AVERY.

Representative CLEVELAND M. BAILEY, Representative HOWARD H. BAKER, Representative JOHN F. BALDWIN, Representative WALTER S. BARING, Representative WILLIAM A. BARRETT, Representative ROBERT R. BARRY, Representative WILLIAM H. BATES, Representative JAMES F. BATTIN, Senator J. GLENN BEALL, Representative FRANK J. BECKER, Representative RALPH F. BEERMANN, Representative PAGE BELCHER, Representative ALPHONZO E. BELL, JR., Representative CHARLES E. BENNETT, Senator WALLACE F. BENNETT, Representative E. Y. BERRY, Representative JACKSON E. BETTS, Senator ALAN BIBLE, Representative IRIS F. BLITCH, Senator J. CALEB BOGGS, Representative HALE BOGGS, Representative FRANCES P. BOLTON, Representative FRANK T. BOW, Representative FRANK W. BOYKIN, Representative WILLIAM G. BRAY, Representative J. FLOYD BREEDING, Senator STYLES BRIDGES, Representative JAMES E. BROMWELL, Representative OVERTON BROOKS, Representative WILLIAM S. BROOMFIELD, Representative JOEL T. BROYHILL, Representative DONALD C. BRUCE, Representative CHARLES A. BUCKLEY, Representative JAMES A. BURKE, Senator PRESCOTT BUSH, Senator JOHN MARSHALL BUTLER, Senator ROBERT C. BYRD, Representative JAMES A. BYRNE.

Representative WILLIAM T. CAHILL, Senator HOMER E. CAPEHART, Representative HUGH L. CAREY, Senator FRANK CARLSON, Senator JOHN A. CARROLL, Senator CLIFFORD P. CASE, Senator FRANCIS CASE, Representative ROBERT R. CASEY, Representative ELFORD A. CEDERBERG, Representative CHARLES E. CHAMBERLAIN, Representative GEORGE O. CHAMBERS, Representative FRANK CHELF, Representative J. EDGAR CHENOWETH, Representative ROBERT B. CHIPERFIELD, Representative MARGUERITE STITT CHURCH, Representative DONALD D. CLANCY, Representative FRANK M. CLARK, Representative MERWIN COAD, Representative HAROLD R. COLLIER, Representative WILLIAM M. COLMER, Representative SILVIO O. CONTE, Representative HAROLD D. COOLEY, Representative ROBERT J. CORBETT, Senator NORRIS COTTON, Representative WILLIAM C. CRAMER, Representative GLENN CUNNINGHAM, Representative WILLARD S. CURTIN, Senator CARL T. CURTIS, Representative THOMAS B. CURTIS.

Representative PAUL B. DAGUE, Representative DOMINICK V. DANIELS, Representative CLIFFORD DAVIS, Representative JAMES J. DELANEY, Representative JOHN H. DENT, Representative STEVEN B. DEROUNIAN, Representative EDWARD J. DERWINSKI, Representative SAMUEL L. DEVINE, Representative CHARLES C. DIGGS, JR., Representative JOHN D. DINGELL, Senator EVERETT MCKINLEY DIRKSEN, Senator THOMAS J. DODD, Representative ROBERT DOLE, Representative PETER H. DOMINICK, Representative HAROLD D. DONOHUE, Representative EDWIN B. DOOLEY, Representative W. J. BRYAN DORN, Senator PAUL H. DOUGLAS, Representative JOHN DOWDY, Representative THOMAS N. DOWNING, Representative CLYDE DOYLE, Representative EDWIN R. DURNO, Representative FLORENCE P. DWYER.

Senator JAMES O. EASTLAND, Senator ALLEN J. ELLENDER, Representative CARL ELLIOTT, Senator SAM J. ERVIN, JR., Representative ROBERT A. EVERETT, Representative JOE L. EVINS, Representative DANTE B. FASCELL, Representative MICHAEL A. FEIGHAN, Representative IVOR D. FENTON, Representative PAUL FINDLEY, Representative PAUL A. FINO, Representative O. CLARK FISHER, Representative DANIEL J. FLOOD, Senator HIRAM L. FONG, Representative GERALD R. FORD, JR., Representative E. L. FORRESTER, Representative L. H. FOUNTAIN, Representative JAMES B. FRAZIER, JR., Representative PETER FRELINGHUYSEN, JR., Representative SAMUEL N. FRIEDEL, Representative JAMES G. FULTON.

Representative PETER A. GARLAND, Representative J. VAUGHAN GRAY, Representative E. C. GATHINGS, Representative LEON H. GAVIN, Representative MILTON W. GLENN, Senator BARRY GOLDWATER, Representative CHARLES E. GOODELL, Representative GEORGE A. GOODLING, Representative KATHRYN E. GRANAHAN, Representative KENNETH J. GRAY, Representative WILLIAM J. GREEN, JR., Representative ROBERT P. GRIFFIN, Representative MARTHA W. GRIFFITHS, Representative H. R. GROSS, Representative CHARLES S. GUBSER.

Representative HARLAN HAGEN, Representative JAMES A. HALEY, Representative DUR-

WARD G. HALL, Representative SEYMOUR HALPERN, Representative RALPH R. HARDING, Representative PORTER HARDY JR., Representative OREN HARRIS, Representative BURR P. HARRISON, Representative WILLIAM HENRY HARRISON, Representative WILLIAM H. HARSHA JR., Representative JAMES HARVEY, Representative RALPH HARVEY, Representative WAYNE L. HAYS, Representative JAMES C. HEALEY, Representative F. EDWARD HÉBERT, Representative KEN HECHLER, Representative A. S. HERLONG, JR., Senator BOURKE B. HICKENLOOPER, Representative EDGAR W. HIESTAND, Representative CHARLES B. HOEVEN, Representative ELMER J. HOFFMAN, Representative ELMER J. HOLLAND, Senator SPESSARD L. HOLLAND, Representative WALT HORAN, Representative CRAIG HOSMER, Senator ROMAN L. HRUSKA, Representative GEORGE HUDDLESTON, JR., Representative W. R. HULL, JR., Senator HUBERT H. HUMPHREY.

Representative JOHN JARMAN, Representative W. PAT JENNINGS, Representative BEN F. JENSEN, Representative AUGUST E. JOHANSEN, Representative LESTER R. JOHNSON, Representative CHARLES RAPER JONAS, Representative PAUL C. JONES, Representative WALTER H. JUDD.

Representative CARROLL D. KEARNS, Senator KENNETH B. KEATING, Representative HASTINGS KEITH, Representative EDNA F. KELLY, Representative EUGENE J. KEOGH, Representative CLARENCE E. KILBURN, Representative CARLETON J. KING, Representative DAVID S. KING, Representative A. PAUL KITCHIN, Representative HORACE R. KORNEGAY.

Senator THOMAS H. KUCHEL, Representative MELVIN R. LAIRD, Representative PHIL M. LANDRUM, Representative THOMAS J. LANE, Representative ODIN LANGEN, Representative DELBERT L. LATTA, Senator FRANK J. LAUSCHE, Representative ALTON LENNON, Representative JOHN LESINSKI, Representative J. CARLTON LOSER.

Senator JOHN L. MCCLELLAN, Representative JOHN W. MCCORMACK, Representative WILLIAM M. MCCULLOCH, Representative GORDON L. MCDONOUGH, Representative HARRIS B. MCDOWELL, JR., Representative CLIFFORD G. MCINTIRE, Representative JOHN L. MCMILLAN, Representative HAROLD B. MCSWEEN, Representative WALTER L. MCVEY, Representative TORBERT H. MACDONALD, Representative CLARK MACGREGOR, Representative THADDEUS M. MACHROWICZ, Representative PETER F. MACK, JR., Representative RAY J. MADDEN, Representative GEORGE H. MAHON, Representative WILLIAM S. MAILLIARD, Senator MIKE MANSFIELD, Representative FRED MARSHALL, Representative DAVE MARTIN, Representative JOSEPH W. MARTIN, JR., Representative NOAH M. MASON, Representative D. R. MATTHEWS, Representative CATHERINE MAY, Representative CHESTER E. MERROW, Representative ROBERT H. MICHEL, Representative GEORGE P. MILLER, Senator JACK MILLER, Representative WILLIAM E. MILLER, Representative WALTER H. MOELLER, Representative JOHN S. MONAGAN, Senator A. S. MIKE MONRONEY, Representative JOSEPH M. MONTOYA, Representative ARCH A. MOORE, JR., Representative JAMES H. MORRISON, Senator THRUSTON B. MORTON, Representative MORGAN M. MOULDER, Representative ABRAHAM J. MULTER, Representative WALTER M. MUMMA, Senator KARL E. MUNDT, Representative WILLIAM T. MURPHY, Representative TOM MURRAY.

Representative ANCHER NELSEN, Representative ROBERT N. C. NIX, Representative WALTER NORBLAD, Representative CATHERINE D. NORRELL, Representative HJALMAR C. NYGAARD.

Representative LEO W. O'BRIEN, Representative THOMAS J. O'BRIEN, Representative ALVIN E. O'KONSKI, Representative ARNOLD OLSEN, Representative THOMAS P. O'NEILL, JR., Representative FRANK C. OSMERS, JR., Representative HAROLD C. OSTERTAG.

Senator JOHN O. PASTORE, Representative THOMAS M. PELLY, Representative M. BLAINE PETERSON, Representative GRACIE PFOST, Representative PHILIP J. PHILBIN, Representative ALEXANDER PIRNIE, Representative WILLIAM R. POAGE, Representative RICHARD H. POFF, Representative MELVIN PRICE, Senator WINSTON L. PROUTY, Senator WILLIAM PROXMIRE, Representative ROMAN C. PUCINSKI.

Representative ALBERT H. QUIE.

Representative LOUIS C. RABAUT, Senator JENNINGS RANDOLPH, Representative JOHN H. RAY, Representative BEN REIFEL, Representative JOHN J. RHODES, Representative R. WALTER RIEHLMAN, Representative JOHN J. RILEY, Representative L. MENDEL RIVERS, Senator A. WILLIS ROBERTSON, Representative HOWARD W. ROBISON, Representative PETER W. RODINO, JR., Representative BYRON G. ROGERS, Representative PAUL G. ROGERS, Representative JOHN J. ROONEY, Representative DANIEL ROSTENKOWSKI, Representative RICHARD L. ROUDEBUSH, Representative JOHN H. ROUSSELOT.

Representative KATHARINE ST. GEORGE, Representative FERNAND J. ST. GERMAIN, Senator LEVERETT SALTONSTALL, Representative JOHN P. SAYLOR, Representative HENRY C. SCHADEBERG, Representative PAUL F. SCHENCK, Representative GORDON H. SCHERER, Representative HERMAN T. SCHNEEBELI, Senator ANDREW F. SCHOEPPEL, Senator HUGH SCOTT, Representative RALPH J. SCOTT, Representative WILLIAM W. SCRANTON, Representative HORACE SEELY-BROWN, JR., Representative JOHN F. SHELLEY, Representative GEORGE E. SHIPLEY, Representative DON SHORT, Representative ABNER W. SIBAL, Representative ROBERT L. F. SIKES, Senator GEORGE A. SMATHERS, Senator BENJAMIN A. SMITH II, Representative H. ALLEN SMITH, Representative FRANK E. SMITH, Representative HOWARD W. SMITH, Senator MARGARET CHASE SMITH, Representative WILLIAM L. SPRINGER, Representative ROBERT T. STAFFORD, Representative SAMUEL S. STRATTON, Senator STUART SYMINGTON, Representative JOHN TABER, Representative ROY A. TAYLOR, Representative CHARLES M. TEAGUE, Representative VERNON W. THOMSON, Representative STROM THURMOND, Representative HERMAN TOLL, Representative THOR C. TOLLEFSON, Representative JAMES W. TRIMBLE, Representative WILLIAM M. TUCK, Representative JAMES B. UTT.

Representative WILLIAM K. VAN PELT, Representative GEORGE M. WALLHAUSER, Representative FRANCIS E. WALTER, Representative PHIL WEAVER, Representative JESSICA MCC. WEIS, Representative JACK WESTLAND, Representative J. IRVING WHALLEY, Representative J. ERNEST WHARTON, Representative BASIL L. WHITENER, Representative WILLIAM B. WIDNALL, Senator ALEXANDER WILEY, Representative BELL WILLIAMS, Representative EDWIN E. WILLIS, Representative BOB WILSON, Representative EARL WILSON, Representative ARTHUR WINSTEAD, Representative JAMES C. WRIGHT, Senator RALPH W. YARBOROUGH, Senator MILTON R. YOUNG, Representative J. ARTHUR YOUNGER, Representative CLEMENT J. ZABLOCKI.

THE COMMITTEE OF ONE MILLION

(Against the admission of Communist China to the United Nations)

Honorary Cochairman: Hon. Warren R. Austin, Hon. Joseph C. Grew.

Steering committee: Senator Paul H. Douglas, Hon. Charles Edison, Representative Walter H. Judd, Senator Kenneth B. Keating, Hon. H. Alexander Smith, Representative Francis E. Walter.

Treasurer: Dr. B. A. Garside.

Secretary: Mr. Marvin Liebman.

NONCONGRESSIONAL MEMBERS

(Partial list)

Mr. Robert S. Allen, Hon. Norwood F. Allman, Mr. Murray Baron, Hon. Robert Woods Bliss, Mr. L. Brent Bozell, Gen. Lewis H. Brereton, Mr. George Bucher, Mr. Wm. F. Buckley, Jr., Col. Laurence E. Bunker, Mr. James Burnham, Mr. Noel F. Busch, Miss Taylor Caldwell, Mr. John Chamberlain, Mr. W. H. Chamberlin, Gen. Lucius C. Clay, Fr. Dennis J. Comey, S.J., Adm. Charles M. Cooke, Bishop Fred P. Corson, Mr. C. Suydam Cutting, Mr. Ralph De Toledano, Mr. Cleveland E. Dodge, Mr. John Dos Passos, Mr. Max Eastman, Gen. R. L. Eichelberger, Mr. Christopher Emmet, Mr. James T. Farrell, Mrs. Geraldine Fitch.

Mr. Hollis P. Gale, Mr. J. Peter Grace, Jr., Adm. J. L. Hall, Jr., Gen. E. N. Harmon, Rev. Frederick Brown Harris, Adm. Thomas C. Hart, Gen. John R. Hodge, Mr. Sal B. Hoffman, Prof. Sidney Hook, Hon. Stanley K. Hornbeck, Gen. Robert W. Johnson, Prof. Horace M. Kallen, Mr. H. V. Kaltenborn, Gen. George C. Kenney, Hon. Wm. F. Knowland, Mrs. Ida Kohlberg, Mr. Marx Lewis, Mr. Eli Lilly, Mr. William Loeb, Adm. Leland P. Lovette, Gen. Frank E. Lowe, Mr. Henry R. Luce, Mr. Eugene Lyons.

Mr. Arthur G. McDowell, Fr. F. A. McGuire, C.M., Bishop Leslie R. Marston, Mr. Adolph Menjou, Mr. Frank S. Meyer, Hon. Robert Morris, Mr. Norbert Muhlen, Mrs. Robert B. Patterson, Col. W. Bruce Pirnie, Rev. Daniel A. Poling, Miss Katherine Anne Porter, Adm. Arthur W. Radford, Prof. O. Glenn Saxon, Mr. George S. Schuyler, Rev. Charles E. Scott, Dr. Aura E. Severinghaus, Mr. Leslie R. Severinghaus, Bishop Bernard J. Sheil, Mr. Igor I. Sikorsky, Bishop John M. Springer, Dr. Robert G. Sproul, Adm. William H. Standley, Adm. Emory D. Stanley, D-. Wendell M. Stanley, Hon. J. Leighton Stuart, Prof. George E. Taylor, Archbishop Theodotus, Gen. James A. Van Fleet, Gen. Albert C. Wedemeyer, Bishop Herbert Welch, Mr. William L. White, Dr. W. Carlos Williams, Dr. Karl A. Wittfogel, Mr. Max Yergen.

Mr. DIRKSEN. Mr. President, I wish to say to the Senator from New Hampshire [Mr. COTTON] that the entire issue was precipitated by his resolution, offered earlier in the session; and the action to be taken by the Senate today is the fruit and the culmination of his initial action in this field.

At this time I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, I thank the distinguished minority leader for his kind words in regard to my interest in this resolution.

My purpose in asking him to yield was not in any way to refer to the original resolution the Senator from New Hampshire submitted.

I believe that the legislative history in connection with the adoption of the concurrent resolution should be crystal clear to the people of the United States and to the world, and, in particular, to the people of Nationalist China, so there can be no misunderstanding or mistake.

In the various conferences which took place during the drafting of the original resolution offered by the distinguished majority leader and the distinguished minority leader, various terms and phraseology were offered. At one point, some of us hoped that the word "sole" would be included—in other words, to have the concurrent resolution state that the United States shall continue to meet its commitments to the people and the Government of the Republic of China and shall continue to support that Government as the sole representative of China in the United Nations.

I was satisfied, and I think everyone should be satisfied, with the wording of the concurrent resolution offered by the distinguished majority and minority leaders, knowing as we do that both of

the authors are stanch in their stand on this matter. But if the distinguished minority leader has been dealing with this resolution and the Foreign Relations Committee, whose chairman I do not see in the Chamber at the present time, has been dealing with it, the Senator from New Hampshire wishes to ask a question of the minority leader, or any Senator who can speak for the Foreign Relations Committee.

Is it clear, and can it be considered today as a part of the legislative history of the resolution, that when Senators vote for the concurrent resolution on the call of the roll which is about to take place, they leave no loophole, no suggestion, no opening of any kind for the endorsement of the so-called two-China policy?

Mr. DIRKSEN. I say unequivocally that in my judgment, the text of the resolution is crystal clear on that point, and there is no endorsement of that kind of policy.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. HICKENLOOPER. As a member of the Committee on Foreign Relations—I cannot speak for the committee, of course—I will say that in the consideration of the resolution, certain language was suggested as a modification of the resolving clause, which in the opinion of some Senators, and in my opinion, in particular, contained some connotation of a possibility of support for the two-China policy. The committee discussed that subject at considerable length. That language was rejected in favor of the present language, which, in my opinion, as a result of the discussion in the committee, did not connote a two-China policy. So the two-China subject was discussed, and was discarded, in my opinion.

Mr. COTTON. So it can be understood by the Senate, according to the understanding of the minority leader and the Senator from Iowa, who was present in the deliberations of the Foreign Relations Committee, that every word and every line of the concurrent resolution is intended to be a complete, clean-cut avowal of our purpose to adhere to the representation of Nationalist China as the sole representative of the Chinese people in the United Nations.

Mr. DIRKSEN. I think the resolution is unequivocal on that point.

Mr. COTTON. I thank the Senator.

Mr. DIRKSEN. Along with that, I think it is a definite encouragement to Nationalist China, as a result of the assurance we give it.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. BRIDGES. I am very glad my distinguished colleague [Mr. COTTON] has sought from the minority leader and members of the Foreign Relations Committee complete clarification of this issue. I am very happy at the response he received. I wish the chairman of the Foreign Relations Committee were present, so we could have him concur in the colloquy which has developed on the floor as legislative history. But, inasmuch as he is not here, I wish to direct a question to the minority leader and the majority leader, the two distinguished Senators who sponsored the resolution.

Do they, by this resolution, mean to reaffirm exactly the position which both the Senate and the House have taken time after time?

Mr. DIRKSEN. I think the clear and unequivocal intent and purpose are exactly that. I am sure the majority leader shares that sentiment. It is my distinct belief that is precisely what the resolution says.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I think the distinguished minority leader of this body has stated it accurately and well.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MAGNUSON. I understood the colloquy which took place, but would it be considered as representing the present sense of the Senate?

Mr. DIRKSEN. We can only express the present sense of the Senate.

Mr. MAGNUSON. In other words, it is the present sense of the Senate that it means what the Senate has said.

Mr. DIRKSEN. It is the present sense of the Senate. If some Senator falls by the wayside, of course, it is no longer the present sense of that Senator.

Mr. KEATING. Mr. President, the arguments for not recognizing Red China or admitting Red China to the United Nations have been heard before in this body as they have been heard throughout the Nation. Sentiment against the admission of the ruthless regime of Mao Tse-tung to the United Nations has been virtually unwavering in the United States for the last decade. But this year the question comes up again preceding the United Nations meeting in September and I am afraid that it comes up with renewed insistence this year because of increasing pressure from the so-called uncommitted nations and possibly from certain figures within the present administration.

Mr. President, the old arguments on this issue have not lost their validity. Red China is an outlaw among nations, not because we refuse to allow her entry to the U.N. but rather because her own conduct has branded her as such. The Chinese Communists won their way to power through brute force in a war-weary country. Since that time, they have waged war on the forces of the United Nations in Korea; they have literally massacred millions, perhaps as many as 18 million of their own countrymen; they are starving millions more to death through agriculture policies aimed at propaganda instead of production; they have committed naked aggression in Vietnam, Burma, Tibet, India, and Laos; and they still proudly boast that they alone would survive the nuclear war which they may in fact at this very moment be plotting.

Article 4 of the U.N. Charter provides that:

> Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present charter and, in the judgment of the organization, are able and willing to carry out those obligations.

It would be a perversion of all that the United Nations stands for to describe Red China as peace loving. And how can it possibly accept the obligations in the charter when it is still technically at war with the United Nations? The only grounds on which the Chinese Reds could claim to represent the legitimate government of China are that they have liquidated more Chinese people in one brief decade than any other government in the whole long history of China. And, in fact, that is the basis of their claim. "Might makes right," they say, "so let us in or we will break down the door."

The position of the United States on this issue is clear, rational, and based on definite principles. Membership in the United Nations conveys certain duties and obligations as well as rights, and so far the Chinese Reds have not shown that they are prepared to undertake these duties. Secondly, we have been concerned, and rightly so about what effect recognition in the United Nations of Red China would have upon the free and independent states of Asia who live in constant fear of Communist aggression. Because they do not depend on massacre and terrorism to stifle dissent, and because they do not mount aggressive campaigns against their neighbors, they are in continual danger of Chinese Communist advances and subversion.

If we give the stamp of world recognition and U.N. membership to Red China, we will only strengthen the cause of communism in Asia and weaken the confidence of free nations in their own survival and in our determination to help them.

Mr. President, these arguments have been made many times in the past. They have never been successfully refuted. But today in the dangerous crisis facing us in Berlin and with the new spirit of Communist aggression elsewhere, there are additional, even more forceful reasons why the Peiping bandits must not be allowed to shoot their way into the U.N.

The Communists are probing, not only in Berlin but everywhere in the world. In Asia, Latin America, and Africa, and Europe, they are pushing on the walls of freedom to see where the wall may be weak, to see where it might collapse. Already in Laos it is crumbling dangerously. In Latin America, Cuba represents a hole through which the enemies of freedom are creeping steadily. In Europe, at Berlin, the wall is still firm. But should any attempt be made, at this crucial point to come to an accommodation with Red China at the expense of Nationalist China, the whole Asiatic line would quiver and possibly fall.

Let us be honest, the Red Chinese Communists probably do not care very much whether they are in the U.N. or not, but they do care very much about making the United States back down, retreat, give up an important position. They do want to use this move to undermine and threaten still further American influence and policy in the Far East and

elsewhere among underdeveloped nations.

Mr. President, the United Nations has played a magnificent role in the past. It has been a vital force in defense of law and order, even where it has not done all we might have wished. In the Middle East, in Kashmir, in Korea, in the Congo, and perhaps also now in Tunisia it has held the key to peace, and ultimate establishment of law and order.

Let us ask ourselves what kind of organization would the United Nations be: if Red China were a member—if Red China had a seat in the Security Council—if Red Chinese representatives were placed throughout the U.N. agencies in key posts.

Mr. President, it is because I believe in the role that the United Nations has played in the past and can play in the future that I oppose the admission of Red China. It is because I value the existence of an organization dedicated to international law and order—even though at times the practice does not live up to the preaching—it is because I wish to see the United Nations strong and effective in the cause of peace and freedom, it is because I think we should strengthen the United Nations not weaken it, that I consider it absolutely essential to keep Red China out.

Mr. President, while I concur wholeheartedly in the concurrent resolution, my only regret is that it did not go further. We should have enunciated that it is our sense, and the sense of the American people, that Outer Mongolia should not be recognized. That regime has not committed all the transgressions that Red China has committed, but it is a puppet government which is kept in power by force. Its admission to the United Nations would only increase the disruptive activities within that body.

I was disappointed that the concurrent resolution did not express the sense that Outer Mongolia shall not be admitted to the United Nations.

I shall support the resolution. I hope it may be a warning or admonition that Outer Mongolia likewise will not be recognized.

Mr. DIRKSEN. Mr. President, I say to the Senator from New York it would complicate the resolution somewhat if we attempted to deal with an independent sovereign state. That matter ought to be handled by a separate resolution.

Mr. President, I yield 4 minutes to the distinguished Senator from California [Mr. KUCHEL].

Mr. KUCHEL. Mr. President, firmness in American foreign policy toward our ally, free China, and toward Communist China is about to be enunciated in the Senate today. I have no doubt that we shall unanimously approve Senate Concurrent Resolution 34. That resolution declares:

> Whereas the Government of the United States enjoys close and friendly relations with the Government of Republic of China, including treaty obligations which this Government honors; and
>
> Whereas the Republic of China has faithfully discharged its obligations under the Charter of the United Nations; and
>
> Whereas the Chinese Communist regime by its aggression in Korea, its repression in Tibet, its threats against its neighbors, its failure to release American prisoners as promised, and its hostility toward the United States and the United Nations has demonstrated that it is not qualified for representation in the United Nations: Therefore be it
>
> *Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of the Congress that the United States shall continue to meet its commitments to the people and Government of the Republic of China and shall continue to support that Government as the representative of China in the United Nations; and be it further
>
> *Resolved*, That the United States shall continue to oppose the seating of the Chinese Communist regime in the United Nations so long as that regime persists in defying the principles of the United Nations Charter; and be it further
>
> *Resolved*, That it is the sense of the Congress that the American people support the President in not according diplomatic recognition to the Chinese Communist regime.

Thus, the Senate, and, I have no doubt, the House of Representatives, representing the American people in the legislative branch, will convincingly approve, for the 17th time, the consistent, sound policy of the American Government to honor its treaty obligations to its friend, Nationalist China, and to reaffirm, without equivocation, the indispensable necessity of the United Nations and its members following the clear mandate of the United Nations Charter.

Article IV of the United Nations Charter provides:

> Membership * * * is open to all other peace-loving states which accept the obligations contained in the * * * Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

I need not labor the RECORD to demonstrate that Communist China is not peace loving, would never honorably accept the obligations of the charter under her present frightful regime, and is violently unwilling to carry out any such enunciated responsibilities as the charter itself provides.

The simple fact is that the United Nations itself, in formal action, charged and convicted the so-called People's Republic of China of aggression against Korea. She has compounded that wanton felony against mankind in all her subsequent sordid dealings with many of her Asian neighbors.

At the Bandung Conference in 1955, Chou En-lai faithfully promised the Asian countries attending the Conference that Communist China would respect their sovereignty, settle all disputes peacefully, and without resort to force. Thereafter, she threatened Burma's borders, she invaded India, and, in wanton violation of her treaty with Tibet, she proceeded to rape and destroy that ancient land, its culture, and religion, and has proceeded to move innocent Tibetan peoples from their homeland to slavery in the Communist mainland.

The concurrent resolution we are about to approve implicitly commits us to a policy of international collaboration with peaceful peoples and never-ending opposition to the destruction of the United Nations by new Red members eternally dedicated to that very goal.

Make no mistake about it, Mr. President. If Red China were to be admitted to the United Nations, the seeds of an inevitable United Nations extinction would then be sown.

Soviet Russia rails vituperatively against the U.N. Secretariat and the U.N. Organization in general. She continues to refuse to pay her U.N. assessment. How gleefully would she now accept the Soviet Chinese as a fellow member of the wrecking crew.

Let our friends and fellow members of the United Nations clearly understand: Red Chinese membership would mock the United Nations charter and would send the United Nations organization inevitably to its downfall. That must not be permitted to happen; and our Government, with our peace-loving neighbors and fellow members of the United Nations, must prevent it from happening.

Mr. President, the free world rejoices in the eloquent and sturdy words of our President earlier this week on our honorable commitments to the people of Berlin. We shall be firm. Let there be no mistake. But I suggest that the respect for our position in Berlin, by friend or foe alike, will immeasurably increase by America's equal firmness against the evil marauders of Red China. That is what the American people desire.

Mr. President, as I conclude, I read the promise of the Republican platform and of the Democratic platform last year.

The Republican platform reads:

> Recognition of Communist China and its admission to the United Nations have been firmly opposed by the Republican administration. We will continue in this opposition because of compelling evidence that to do otherwise would weaken the cause of freedom and endanger the future of the free peoples of Asia and the world. The brutal suppression of the human rights and the religious traditions of the Tibetan people is an unhappy evidence of the need to persist in our policy.

The Democratic platform reads:

> We reaffirm our pledge of determined opposition to the present admission of Communist China to the United Nation.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the distinguished Senator from Massachusettes [Mr. SALTONSTALL].

Mr. SALTONSTALL. Mr. President, I wish to say one sentence. I have said over and over again that we should never permit the Chinese Communists to shoot their way into the United Nations. That statement I repeat more firmly than ever today.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia, [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from

South Carolina [Mr. JOHNSTON], the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PELL] and the Senator from Massachusetts [Mr. SMITH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ], is absent because of illness.

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Utah [Mr. MOSS], the Senator From Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER] and the Senator from Massachusetts [Mr. SMITH], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent because of death in his family.

The Senator from Indiana [Mr. CAPEHART], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Maryland [Mr. BUTLER] is absent because of illness.

The Senator from Nebraska [Mr. HRUSKA] and the Senator from North Dakota [Mr. YOUNG] are absent on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Arizona [Mr. GOLDWATER], the Senator from Nebraska [Mr. HRUSKA], the Senator from Texas [Mr. TOWER], and the Senator from North Dakota [Mr. YOUNG] would each vote "yea."

The result was announced—yeas 76, nays 0, as follows:

[No. 112]

YEAS—76

Aiken	Ervin	Monroney
Anderson	Fong	Morton
Bartlett	Fulbright	Mundt
Beall	Gore	Pastore
Bennett	Hart	Prouty
Bible	Hayden	Proxmire
Boggs	Hickenlooper	Randolph
Bridges	Hickey	Robertson
Bush	Hill	Russell
Byrd, W. Va.	Holland	Saltonstall
Cannon	Humphrey	Schoeppel
Carlson	Jackson	Scott
Carroll	Javits	Smathers
Case, N.J.	Jordan	Smith, Maine
Case, S. Dak.	Keating	Sparkman
Church	Kefauver	Stennis
Cooper	Kuchel	Symington
Cotton	Lausche	Talmadge
Curtis	Long, Mo.	Thurmond
Dirksen	Long, La.	Wiley
Dodd	Magnuson	Williams, N.J.
Douglas	Mansfield	Williams, Del.
Dworshak	McClellan	Yarborough
Eastland	McNamara	Young, Ohio
Ellender	Metcalf	
Engle	Miller	

NAYS—0

NOT VOTING—24

Allott	Gruening	Morse
Burdick	Hartke	Moss
Butler	Hruska	Muskie
Byrd, Va.	Johnston	Neuberger
Capehart	Kerr	Pell
Chavez	Long, Hawaii	Smith, Mass.
Clark	McCarthy	Tower
Goldwater	McGee	Young, N. Dak.

So the resolution (S. Con. Res. 34) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States shall continue to meet its commitments to the people and Government of the Republic of China and shall continue to support that Government as the representative of China in the United Nations; and be it further

Resolved, That the United States shall continue to oppose the seating of the Chinese Communist regime in the United Nations so long as that regime persists in defying the principles of the United Nations Charter; and be it further

Resolved, That it is the sense of the Congress that the American people support the President in not according diplomatic recognition to the Chinese Communist regime.

The preamble as amended, was agreed to.

TRANSFER OF BRIDGE ACROSS COLORADO RIVER

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 590, Senate bill 809.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 809) to authorize the transfer of a Bureau of Reclamation bridge across the Colorado River near Needles, Calif., to San Bernardino County, Calif., and Mohave County, Ariz.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 2, line 3, after the word "upon", to strike out "a permit for the bridge being issued to the said counties by the Corps of Engineers" and insert "approval of the location and plans of the bridge in accordance with the provisions of the General Bridge Act approved August 2, 1946, as amended (33 U.S.C. 525–533): *Provided, however*, That terms and conditions shall include commitments by the counties that the bridge shall not be operated as a toll bridge", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Interior is authorized to negotiate and effect the transfer of a Bureau of Reclamation bridge which crosses the Colorado River approximately one mile east of Needles, California, together with appropriate easements for the approach roads thereto, to the counties of San Bernardino, California, and Mohave, Arizona, subject to such terms and conditions as are specified by the Secretary, including those in connection with the maintenance of the bridge and the maintenance of the approach roads, the transfer to be contingent upon approval of the location and plans of the bridge in accordance with the provisions of the General Bridge Act approved August 2, 1946, as amended (33 U.S.C. 525–533): *Provided, however*, That terms and conditions shall include commitments by the counties that the bridge shall not be operated as a toll bridge. The Secretary is further authorized, if satisfactory terms and conditions are agreed to, to transfer the said bridge and easements without monetary consideration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report, No. 617, explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

S. 809 authorizes the Secretary of the Interior to transfer to the counties of San Bernardino, Calif., and Mohave County, Ariz., a maintenance bridge no longer needed by the Bureau of Reclamation in its rechannelization program on the lower Colorado River. The transfer is to be made without monetary consideration, since the bridge has been surveyed for salvage value and it has been found that it would cost more to dismantle it and remove it than it would to acquire a similar type new bridge.

NEED

The development of the Mohave Valley where the bridge is located has created an increasing demand for the use of the bridge by the general public. Both counties have indicated and must agree to adequately maintain the bridge and approach roads, both for the use of Government vehicles and the general public.

COMMITTEE AMENDMENTS

Two amendments have been proposed and have been adopted by the committee. The first, a clarifying amendment, substitutes the provisions of the General Bridge Act instead of a permit from the Corps of Engineers as a condition precedent to the transfer. The second requires commitments from the counties that the bridge shall not be operated as a toll bridge.

DEPARTMENTAL RECOMMENDATIONS

The Department of the Army reports that it has no objection to the enactment of the bill if amendment in accordance with a proposed amendment.

Mr. MANSFIELD. Mr. President, I ask that the committee amendment be agreed to.

The committee amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONVEYANCE OF LAND IN MARENGO COUNTY, ALA.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 611, Senate bill 1012.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1012) to authorize and direct the conveyance of certain tracts of land in Marengo County, Ala., to the Greif Bros. Cooperage Corp.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior is directed to adjudicate a claim of the Greif Brothers Cooperage Corporation, of Delaware, Ohio, under the Color of Title Act of December 22, 1928 (45 Stat. 1069), as amended by the Act of July 28, 1953 (67 Stat. 227; 43 U.S.C. 1068–1068b), to the lands described in section 2 of this Act. If the Secretary shall determine that the Greif Brothers Cooperage Corporation has otherwise satisfied the requirements of the Color of Title Act, he may issue a patent under this Act to those lands without regard to the acreage limitation imposed in that Act.

SEC. 2. The lands subject to this Act are the following-described tracts of land situated in Marengo County, Alabama:

(a) East half of southwest quarter; northwest quarter of northwest quarter, and north half of southwest quarter of northwest quarter, and north half of south half of southwest quarter of northwest quarter of section 11, township 12 north, range 2 east, Saint Stephens meridian; and

(b) Northwest quarter of northeast quarter of section 18, township 12 north, range 2 east, Saint Stephens meridian.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report, No. 636, explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The factual situation surrounding the title status of the land proposed to be conveyed to the beneficiaries of this bill is presented in the Department of the Interior report, dated May 2, 1961, which is set forth below.

AMENDMENT

For the reasons advanced in the agency report, the committee has adopted the substitute language suggested by the Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 2, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: Your committee has requested a report on S. 1012, a bill to authorize and direct the conveyance of certain tracts of land in Marengo County, Ala., to the Greif Bros. Cooperage Corp.

We would not object to the enactment of this bill, if amended as suggested below.

S. 1012 would direct the Secretary of the Interior to convey all the right, title, and interest of the United States in and to some 189.59 acres of land in Marengo County, Ala., to the Greif Bros. Cooperage Corp., of Delaware, Ohio. Mineral rights would be included in the conveyance. The corporation would be required to pay the appraised value of the land, as determined by the Secretary, in no case would the corporation pay less than $1.25 per acre. The appraised value would not reflect any increased value resulting from the development or improvement of the land by the corporation or its predecessors in interest, and the Secretary would be directed to give full effect to the corporation's equities.

The land described in the bill is public land. Our U.S. Geological Survey reports that the land has prospective value for oil and gas development. There are, however, no oil and gas leases on it. We have no information on hand qualifying us to make any recommendation on the merits of the bill.

Unless the beneficiary named in the bill can show some claim or color of title to the described land, we do not believe that a conveyance by the United States would be justified. If, however, the beneficiary can show such a claim or color of title, we believe that it should attempt to obtain title under the Color of Title Act of December 22, 1928 (45 Stat. 1069), as amended by the act of July 28, 1953 (67 Stat. 227; 43 U.S.C., 1068–1068b), which was designed to deal with precisely that type of problem.

Under the Color of Title Act conveyances to any one claimant are limited to 160 acres. The Greif Bros. Corp. could not, for this reason, successfully apply for the land described in S. 1012 under the Color of Title Act since the land described in the bill totals, as we have stated above, 189.59 acres. Moreover, our records indicate that the corporation has already acquired 130 acres under the Color of Title Act. Presumably because it is barred in this manner from application under the statute the corporation has been forced to seek relief legislation. We know of no Federal need for this land, and, if the Congress believes the claim meritorious, we would not object to legislation waiving the acreage limitations of the Color of Title Act.

The bill as introduced would grant the mineral rights to the beneficiary. Under the Color of Title Act mineral rights may be granted to a claimant if he and his predecessors in interest have complied with the act's requirements since January 1, 1901, and if the minerals are not within a mineral withdrawal or subject to an outstanding mineral lease.

To carry out our recommendations we suggest that S. 1012 be amended along the lines of the enclosed redraft. You will note that the land description has been corrected.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,
JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

A bill to direct the Secretary of the Interior to adjudicate a claim of the Greif Brothers Cooperage Corporation to certain land in Marengo County, Alabama

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is directed to adjudicate a claim of the Greif Brothers Cooperage Corporation, of Delaware, Ohio, under the Color of Title Act of December 22, 1928 (45 Stat. 1069), as amended by the Act of July 28, 1953 (67 Stat. 227; 43 U.S.C., secs. 1068–1068b), to the lands described in section 2 of this Act. If the Secretary shall determine that the Greif Brothers Cooperage Corporation has otherwise satisfied the requirements of the Color of Title Act, he may issue a patent under that Act to those lands without regard to the acreage limitation imposed in that Act.

SEC. 2. The lands subject to this Act are the following-described tracts of land situated in Marengo County, Alabama:

(a) East half of southwest quarter; northwest quarter of northwest quarter, and north half of southwest quarter of northwest quarter, and north half of south half of southwest quarter of northwest quarter of section 11, township 12 north, range 2 east, St. Stephens Meridian; and

(b) Northwest quarter of northeast quarter of section 18, township 12 north, range 2 east, St. Stephens Meridian.

The amendment is as follows:

Strike all after the enacting clause and substitute therefor the following:

"That the Secretary of the Interior is directed to adjudicate a claim of the Greif Brothers Cooperage Corporation, of Delaware, Ohio, under the Color of Title Act of December 22, 1928 (45 Stat. 1069), as amended by the Act of July 28, 1953 (67 Stat. 227; 43 U.S.C., secs. 1068–1068b), to the lands described in section 2 of this Act. If the Secretary shall determine that the Greif Brothers Cooperage Corporation has otherwise satisfied the requirements of the Color of Title Act, he may issue a patent under that Act to those lands without regard to the acreage limitation imposed in that Act.

"SEC. 2. The lands subject to this Act are the following-described tracts of land situated in Marengo County, Alabama:

"(a) East half of southwest quarter; northwest quarter of northwest quarter, and north half of southwest quarter of northwest quarter, and north half of south half of southwest quarter of northwest quarter of section 11, township 12 north range 2 east, St. Stephens Meridian; and

"(b) Northwest quarter of northeast quarter of section 18, township 12 north, range 2 east, St. Stephens Meridian."

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., April 27, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 1012, a bill to authorize and direct the conveyance of certain tracts of land in Marengo County, Ala., to the Greif Bros. Cooperage Corp.

The report which the Secretary of the Interior is making on this bill sets forth the facts in this case, and raises no objection to S. 1012 if amended in certain respects.

This Bureau concurs in that report and, accordingly, would have no objection to the enactment of S. 1012 if amended as recommended by the Secretary of the Interior.

Sincerely yours,
PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

Mr. MANSFIELD. Mr. President, I ask that the committee amendment be agreed to.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill to direct the Secretary of the Interior to adjudicate a claim of the Greif Brothers Cooperage Corporation to certain land in Marengo County, Alabama."

WATER AND SEWAGE DISPOSAL FACILITIES FOR MEDORA AREA, NORTH DAKOTA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 612, Senate bill 98.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 98) to authorize the Secretary of the Interior to provide water and sewage disposal facilities to the Medora area adjoining the Theodore Roosevelt National Memorial Park, N. Dak., and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs, with amendments on page 2, line 12, after the word "That", to insert "non-Federal", and in line 16, after the word "systems", to insert "plus interest on the Federal investment in the systems"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to afford adequate facilities to persons visiting Theodore Roosevelt National Memorial Park, and to enhance the setting of the park entrance and further the interpretive program of the park through encouraging the preservation and restoration of the pioneer cattle town of Medora, North Dakota, and its associations with Theodore Roosevelt, by non-Federal endeavors in accordance with House Concurrent Resolutions "T" and "U" of the 1959 Session Laws of the State of North Dakota, pages 878 and 879, the Secretary of the Interior is authorized to modernize the water and sewage facilities of the village of Medora adjoining the park in the manner hereinafter provided.

SEC. 2. The Secretary of the Interior is authorized to construct, operate, and maintain, on rights-of-way donated for the purpose and in such manner as he shall consider to be in the public interest, water supply and sewage disposal systems to serve Federal and non-Federal properties in the said Medora area, and he may make existing Federal systems available to serve such properties: *Provided,* That non-Federal users of the systems shall comply with standards of use prescribed by the Secretary and shall be charged rates sufficient to recover a pro rata share of depreciation and costs of operation and maintenance of the systems plus interest on the Federal investment in the systems. Funds obtained from such non-Federal users of the systems shall be deposited in the Treasury of the United States as miscellaneous receipts, with the exception that the Secretary may consider as appropriation reimbursements, to be credited in the appropriation current at the time received, such amount of the aforesaid collections as may be necessary to reimburse, on a pro rata basis, appropriated operating funds expended for maintenance and operation costs of the systems.

SEC. 3. Construction of the facilities authorized herein shall not be undertaken or use of existing Federal systems authorized until at least 80 per centum of the potential non-Federal users, as defined by the Secretary of the Interior, are committed to connecting to said water and sewage systems and until there shall have been reached an agreement with the duly authorized officials of the village of Medora, by which the village is obligated to adopt and enforce a zoning ordinance which complies with standards prescribed by the Secretary for the purpose of preserving the historic character of Medora and affording a park-like setting in the vicinity of the park and the entrance thereto.

SEC. 4. There are authorized to be appropriated for the construction of these facilities such sums as may be required therefor, not to exceed $100,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 612), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

S. 98 provides for the expansion of water and sewage disposal facilities in the town of Medora, N. Dak., and sets forth the arrangements which it is proposed will be made for Federal construction under the authority of the Secretary of the Interior with reimbursement by the non-Federal users.

NEED

The water and sewage systems authorized for expansion under the reported legislation will afford adequate facilities to persons visiting Theodore Roosevelt National Memorial Park, N. Dak., of whom there were some 223,000 in 1960. The town of Medora adjoins the park and has a population of approximately 152 persons. Medora lacks adequate water and sanitation facilities to care for park visitors who stop there.

Theodore Roosevelt National Memorial Park was established by the act of Congress approved April 25, 1947 (61 Stat. 52), and preserves a part of the Theodore Roosevelt Elkhorn Ranch and Badlands along the Missouri River as a memorial to the former President's contributions to the conservation of our Nation's resources and to his part in developing the northern open range cattle industry. Medora is a pioneer cattle town and the proposed development would do much to enhance the setting of the park entrance as well as encourage the preservation and restoration of the town in its pioneer setting.

Under the provisions of the bill, construction of the proposed facilities would not be undertaken until at least 80 percent of the prospective non-Federal users had committed themselves to connecting on to the systems and until the town of Medora has adopted and enforced zoning ordinances designed to preserve the historic character of the town and afford a park-like setting in the vicinity of the park and its entrance.

COSTS

The Federal investment in the proposed facilities would be approximately $91,000. The Government would be reimbursed by the users for depreciation, figured on the basis of full depreciation of mechanical equipment within 15 years and utility lines and improvements within 50 years, and costs of operation and maintenance of the systems. An annual payment of $3,742 by the users would be needed to cover such cost factors.

AMENDMENTS

In addition to the cost items explained in the above paragraph, the committee has amended the bill to provide for the recovery by the Government of interest charges. An annual payment by the users of a total of $6,000 rather than $3,742 is thereby provided for.

A simple perfecting amendment was also adopted by the committee.

Mr. MANSFIELD. Mr. President, I ask that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF LANDS IN ALASKA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 614, Senate bill 799.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 799) to amend the act of March 8, 1922, as amended, to extend its provisions to public sales.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 614), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

A full explanation of the need for the enactment of S. 799 is contained in the favorable report received from the Secretary of the Interior, dated May 2, 1961, which is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 2, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: Your committee has requested a report on S. 799, a bill to amend the act of March 8, 1922, as amended, to extend its provisions to public sales.

We do not object to enactment of the bill.

Section 2455 of the Revised Statutes (43 U.S.C., sec. 1171) permits the sale at public auction of isolated and disconnected tracts of public land. The provisions of this section are applicable to Alaska. However, there is no provision by which lands mineral in character may be sold thereunder in Alaska. The act of July 17, 1914, as amended, (30 U.S.C., secs. 121–123), permits the disposition under the nonmineral public land laws of lands valuable for oil, gas, and certain other minerals subject to a reservation to the United States of the minerals for which the land is withdrawn or classified. Consequently, land may be sold under section 2455 subject to such a reservation. Unfortunately, the 1914 act is not applicable to the new State of Alaska, and there can, therefore, be no sale under section 2455 of land in Alaska subject to a mineral reservation.

The act of March 8, 1922, as amended (48 U.S.C., secs. 376, 377), authorizes homestead entry on land in Alaska valuable for coal, oil, or gas, and the granting of patents subject to coal, oil, and gas reservations. It does not, however, provide for general disposition under the nonmineral public land laws of lands valuable for coal, oil, or gas. Consequently, it cannot be applied to sales under section 2455.

S. 799 would amend the 1922 act by adding a new section providing for sales of land in Alaska under section 2455 subject to a reservation of coal, oil, or gas. The measure will

thus correct a handicap imposed on the disposition of land in Alaska.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 8, 1922 (42 Stat. 415; 48 U.S.C. 376, 377), as amended, is hereby further amended by adding a new section thereto reading as follows:

"SEC. 3. The Secretary of the Interior may sell under the provisions of section 2455 of the Revised Statutes (43 U.S.C. 1171), as amended, lands in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are otherwise subject to sale under said section 2455, as amended, upon the condition that the patent issued to the purchaser thereof shall contain the reservation required by section 2 of this Act."

LEASING OF LANDS IN STATE OF UTAH BY SECRETARY OF THE INTERIOR

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 615, Senate bill 888.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 888) to authorize the Secretary of the Interior to lease certain lands in the State of Utah to Joseph A. Workman.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 3, line 10, after the word "shall", to strike out the comma and "subject to the provisions of the leases numbered 14–20–462–325 and 14–20–462–325(a), respectively, be leased for terms of ten years each beginning January 26, 1959" and insert "be leased for a term of ten years beginning January 26, 1959, and as long thereafter as gilsonite is produced in paying quantities"; after line 15, to strike out:

SEC. 3. Any amounts paid, prior to the date of enactment of this Act, by the said Joseph A. Workman as rents, any royalties pursuant to the leases numbered 14–20–462–325 and 14–20–462–325(a) shall be credited by the Secretary of the Interior against any amounts which may be due or owing by the said Joseph A. Workman under any agreements entered into pursuant to this Act.

And, after line 22, to strike out:

SEC. 4. The Ute Indian Tribe and the Affiliated Ute Citizens are hereby relieved of all liability to the United States for reimbursement of any amounts which may have been made available for their use and benefit, prior to the date of enactment of this Act, pursuant to the terms and conditions of the leases numbered 14–20–462–325 and 14–20–462–325(a).

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to enter into agreements with Joseph A. Workman, of Roosevelt, Utah, leasing the following described tracts of lands to the said Joseph A. Workman for the sole purpose of prospecting for, and the mining of, gilsonite:

(a) Beginning at a point (numbered 1), 1,300 feet north of section corner common to sections 15, 16, 21, and 22; thence north 645 feet to point numbered 2; thence south 50 degrees 30 minutes east 3,500 feet to point numbered 3; thence south 645 feet to point numbered 4; thence north 50 degrees 30 minutes west 3,500 feet to point of beginning, sections 15 and 22, township 10 south, range 20 east, Salt Lake meridian, Uintah and Ouray Reservation, Uintah County, State of Utah, and containing 40 acres, more or less.

(b) Beginning at point numbered 1, 2,230 feet south of section corner common to sections 16, 17, 20, and 21; thence north 55 degrees west 2,750 feet to point numbered 2; thence north 51 degrees west 1,540 feet to point numbered 3; thence north 71 degrees west 2,100 feet to point numbered 4; thence north 510 feet to point numbered 5; thence south 71 degrees east 850 feet to point numbered 6; thence north 51 degrees west 1,050 feet to point numbered 7; thence north 650 feet to point numbered 8; thence south 51 degrees east 4,440 feet to point numbered 9; thence south 55 degrees east 2,440 feet to point numbered 10; thence south 590 feet to point of beginning, sections 17 and 20, township 9 south, range 20 east, Salt Lake meridian, Uintah and Ouray Reservation, Uintah County, State of Utah, and containing 96 acres, more or less.

SEC. 2. Any agreement entered into pursuant to the first section of this Act shall provide (1) for the leasing of the lands described in paragraphs (a) and (b) of the first section in accordance with the same terms and conditions, except as otherwise provided in this Act, as those provided for in the leases numbered 14–20–462–325 and 14–20–462–325(a), respectively, dated January 26, 1959, entered into between (A) the Ute Indian Tribe of the Uintah and Ouray Reservation and the Affiliated Ute Citizens of the State of Utah, and (B) Joseph A. Workman; (2) that all rents and royalties payable under any such agreements shall be paid to the Secretary of the Interior and deposited by him in the general fund of the Treasury of the United States; and (3) that such lands described in paragraphs (a) and (b) of the first section shall be leased for a term of ten years beginning January 26, 1959, and as long thereafter as gilsonite is produced in paying quantities.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 615), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF S. 888

The reported bill authorizes the Secretary of the Interior to lease to Joseph A. Workman, of Roosevelt, Utah, approximately 136 acres for the sole purpose of prospecting for and mining gilsonite. The terms of the lease would be the same as those contained in two leases of the same land dated January 26, 1959, between the Ute Indians and Mr. Workman.

NEED

The lease issued to Mr. Workman by the Ute Indians had been issued under the mistaken belief that the mineral estate in the affected lands resided in the tribe. In fact, the lands in question had been added to the Uintah and Ouray Reservation by the act of March 11, 1948 (62 Stat. 72), under provisions reserving to the United States certain mineral interests, including gilsonite rights.

The Bureau of Land Management has authority to issue a lease for gilsonite but there is no authority to issue a preference lease to Mr. Workman.

It is the committee's judgment that, because the facts show no intentional error on the part of either Mr. Workman or the Ute Indians, Mr. Workman's equities should be preserved in the manner provided for in this bill.

AGENCY REPORTS

The favorable reports of the Department of the Interior and the Bureau of the Budget are set forth in the committee report.

Mr. MANSFIELD. Mr. President, I ask that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF ADDITIONAL COPIES OF ANALYSIS ENTITLED "THE PUGWASH CONFERENCES"

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 616, Senate Concurrent Resolution No. 33.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The LEGISLATIVE CLERK. A concurrent resolution (S. Con. Res. 33), to print additional copies of an analysis entitled "The Pugwash Conferences."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the concurrent resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 641), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The printing-cost estimate, supplied by the Public Printer, is as follows:

Back to press, first 1,000 copies	$393.41
9,000 additional copies at $141.36 per 1,000	1,272.24
Total estimated cost, S. Con. Res. 33	1,665.65

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 33) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for use of the Senate Committee on the Judiciary ten thousand copies of a staff analysis entitled "The Pugwash Conferences" prepared for the Internal Security Subcommittee of the Committee on the Judiciary.

TRAVEL EXPENSES OF GOVERNMENT EMPLOYEES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 517, H.R. 3279.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 3279) to increase the maximum rates of per diem allowance for employees of the Government traveling on official business, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill which had been reported from the Committee on Post Office and Civil Service, with amendments, on page 2, after line 6, to insert a new section, as follows:

SEC. 5. Paragraph (3) of section 553 of title 28, United States Code, is amended by striking out "10 cents" and inserting in lieu thereof "12 cents" and by inserting immediately after the words "the actual cost of" the words "parking fees,".

After line 11, to insert a new section, as follows:

SEC. 6. The Director of the Administrative Office of the United States Courts shall promulgate, in accordance with section 604(a)(7) and section 456 of title 28 of the United States Code, such regulations as he may deem necessary to effectuate the increases provided by this Act.

After line 16, to insert a new section, as follows:

SEC. 7. The seventh paragraph under the heading "Administrative Provisions" in the Senate section of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b), is amended by striking out "$12" and inserting in lieu thereof "$16".

At the beginning of line 22, to change the section number from "5" to "8"; on page 5, at the beginning of line 1, to change the section number from "6" to "9"; at the beginning of line 6, to change the section number from "7" to "10", and at the beginning of line 19, to change the section number from "8" to "11".

Mr. MILLER. Mr. President, I wonder if consideration of the bill can be postponed until tomorrow at least? I have been trying to discuss a possible amendment with the manager of the bill. Right now we are not together, but I am not satisfied with it.

Mr. MANSFIELD. I am sorry to hear the statement of the distinguished Senator from Iowa, because the senior Senator from Texas [Mr. YARBOROUGH] has been very patient for the past 2 days and has spent a good deal of time in the Chamber awaiting consideration of the bill. I held it back to the last with the hope—perhaps "understanding" would be the word—that the Senator from Iowa and the Senator from Texas could get together. However, if there is no possibility of agreement, my hands are tied. I shall have to accede to the wishes of the Senators concerned.

Mr. MILLER. Mr. President, if the majority leader wishes to proceed, all I can do is to say that I shall have to be recorded as voting in the negative on the measure.

Mr. MANSFIELD. I did not mean that. I am hopeful that the senior Senator from Texas will at least be able to explain his measure, and perhaps the Senator from Iowa will explain his reaction to the statement of the Senator from Texas.

If we cannot come to an agreement tonight, we will try to reach an agreement at a later date. I am thinking of the inconvenience I have caused the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I send to the desk 2 amendments to correct errors in the draftsmanship of the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. The amendments offered by the Senator from Texas will be stated, and, without objection, they will be considered en bloc.

The LEGISLATIVE CLERK. On page 2 line 21, before the period insert a comma and the following: "and by striking out '$25' and inserting in lieu thereof '$30'."

On page 5, line 2, strike out "2870" and insert "287o."

Mr. YARBOROUGH. In drafting the bill the "0" in "2870" was intended to be a small "o". These are purely corrective amendments, and will make the bill reflect what was intended to be reported by the committee.

The PRESIDING OFFICER. The question is on agreeing, en bloc, to the amendments offered by the Senator from Texas.

The amendments were agreed to.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. CURTIS. Will the Senator explain the bill?

Mr. YARBOROUGH. Yes. The bill would change the per diem and travel expenses for Government employees. It would increase the normal maximum per diem allowance from $12 to $16 for regular full-time employees of the Government and make the same adjustment in the rate applicable to intermittent and W.O.C. employees.

It increases the maximum allowance for official travel authorized to be performed on an actual expense basis from $25 to $30.

We do not set out the exact amount that will be paid. These are all allowable maximums. Each department, from long practice over many decades, has set its own standards. This permits a department to have a maximum which it can allow, based on its experience.

Mr. CURTIS. Regular employees on salaries are the employees I have in mind. Their per diem has been raised from what to what? I mean how much has the ceiling been raised?

Mr. YARBOROUGH. These are the maximums allowed. This is not the amount allowed absolutely. Each department has the power to fix a per diem allowance. The maximum allowed was $12 a day. This gives a department the power to fix the allowance at not more than $16 a day. A number of departments have allowances below the maximum, depending on the experience of that department.

Mr. CURTIS. What category of employees falls into the higher per diem allowed?

Mr. YARBOROUGH. This is for specialized types of travel. It is for employees who find it particularly expensive to travel. It would apply to the Foreign Service, for example. Sometimes it is necessary for an FBI agent, for example, to live in a high-priced hotel. It is to cover a situation in which a person, in performing his duty, is required to live in an especially high-priced place. It may be in connection with a conference, when a representative of our country travels to a foreign nation, or it may cover a group from the State Department, when the officers must stay at a certain hotel. It is not to be generally allowed. This is for the purpose of covering extraordinary expenses, and it is allowed only on a finding that it is necessary for a person to incur this extraordinary expense.

Mr. CURTIS. The present maximum is what?

Mr. YARBOROUGH. $25. The bill would raise the maximum to $30.

The bill increases the maximum allowance for use of privately owned automobiles or airplanes from 10 cents to 12 cents per mile.

It would increase the maximum allowance for the use of privately owned motorcycles from 6 cents to 8 cents per mile.

It would allow reimbursement on an equal expense basis up to $10 in excess of the normal per diem allowance established in a given country for employees traveling outside the continental United States or Alaska when authorized due to unusual circumstances surrounding the travel.

It raises the authorized maximum per diem of certain State Department advisory committees to the same rate applicable to other Federal employees.

At this time the State Department advisory committees are not allowed to draw at these rates.

The bill also adds parking fees when incurred while in official travel status as an item of expense for which reimbursement is permissible.

This does not allow a Federal employee to go to a parking lot downtown and park his car there and be paid for the expense of parking his car. It covers the situation of an Internal Revenue agent, for example, who drives downtown to audit some books. He may have to pay $1.75 for parking his car in a

parking lot. He may then have to move on to another place and pay the same amount. This becomes quite burdensome to these employees. The bill is very carefully drawn, I might add. No reimbursement can be made for the expense of normal parking which a person does in connection with his own automobile when he drives to work and parks his car in a lot near his place of work. As I say, this has proved to be quite a burdensome expense. The bill covers only special parking on a special job.

The bill also would transfer to the President authority now vested in the Bureau of the Budget to establish per diem rates outside the continental United States.

This has been recommended by the Bureau of the Budget and other agencies. It has long been vested in the Bureau of the Budget, but it would now be placed in the President's Office.

The bill preserves the status of Alaska and Hawaii which existed prior to their obtaining statehood, as areas in which travel allowance would be fixed on the basis of cost. In other words, it is more expensive to travel in Alaska and Hawaii than it is in the other 48 States.

Mr. CURTIS. I believe we have established the record. I have one more question to ask. What additional annual expense would the passage of the bill entail?

Mr. YARBOROUGH. There was no uniform finding as to that.

Mr. CURTIS. What testimony did the Senator have on this point?

Mr. YARBOROUGH. There was a great variance of opinion in the evidence as to what it would be. It would be controlled by the Appropriations Committees.

Mr. CURTIS. Was there disagreement among the Government witnesses as to what the cost would be?

Mr. YARBOROUGH. No; there was no disagreement on that point.

Mr. CURTIS. May I ask whether any of the departments reported on the bill? If so, were they opposed?

Mr. YARBOROUGH. Yes; there are departmental reports on the bill.

Mr. CURTIS. Does it have departmental approval?

Mr. YARBOROUGH. The State Department approved its part of it. The Comptroller General recommended amendments.

Mr. CURTIS. Were the recommendations of the Comptroller General adopted?

Mr. YARBOROUGH. The administration approved an adjustment in the per diem, but did not approve the increase in the mileage rates.

Mr. CURTIS. The Comptroller General recommended certain amendments. Were his recommendations adopted?

Mr. YARBOROUGH. They were adopted.

Mr. CURTIS. Does the bill have the unanimous support of the committee?

Mr. YARBOROUGH. Yes, it has the unanimous support of the committee, from both parties.

Mr. CURTIS. But the Senator has no estimate as to the additional cost?

Mr. YARBOROUGH. The judicial finding of the Department was that the cost could be absorbed. There was no official finding that the proposal would cost this much more. With proper handling by the Department, the cost can be absorbed.

We were mindful of the total cost of Government travel every year. The total cost of Government travel is more than $1 billion a year. More than half is for military travel.

Mr. CURTIS. The military travel is not included in the bill, is it?

Mr. YARBOROUGH. No; it is not included in the bill. The bill does not touch military travel. More than half the cost of Government travel is military travel. It is close to $600 million. Military travel is a big expense.

Mr. MORTON. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield.

Mr. MORTON. Is it not true that the appropriation bill for each department and agency provides an amount for travel, over which Congress has control?

Mr. YARBOROUGH. That is correct. The amount for travel is controlled by Congress, based on the departmental requests which are submitted to Congress.

Mr. MILLER. Mr. President, will the distinguished Senator from Texas yield?

Mr. YARBOROUGH. I yield.

Mr. MILLER. With respect to section 3 of the bill, relating to the increase in travel expense and mileage allowance from 6 to 8 cents and from 10 to 12 cents, I ask the Senator whether there is uniformity among the departments and agencies and as to the amount of mileage payments?

Mr. YARBOROUGH. It is my understanding that the travel allowances of the departments, based upon their experience, are not uniform. All departments do not have the same maximum amounts.

Mr. MILLER. Do I understand that the bill does not provide for such uniformity among the departments?

Mr. YARBOROUGH. No; there is nothing in the bill to provide that the State Department and Justice Department travel allowances shall be uniform. A marshal transporting prisoners, an agricultural agent traveling on a rural road, and a mail carrier delivering mail have different travel expenses per mile. The experience of different types of employees traveling under different conditions has led the departments to set different maximum amounts.

Mr. MILLER. I have received some complaints over the years, particularly this year, about the lack of uniform treatment with respect to mileage allowances as among departments, and not with respect to unique types of driving.

For example, in driving from one city in Iowa to another, over the same route, in the same type of automobile, it is my understanding that different departments have paid different mileage allowances. To me, this is not fair. It generates bad feeling among employees to think that they are being treated differently, when they are all working for the Federal Government.

I recognize that in the case of rural mail routes a different mileage allowance might be indicated, just as someone from the Department of Agriculture who travels over the same roads might have similar differences as compared with some of his fellow employees who travel under other conditions.

It seems to me that some kind of uniformity ought to exist among the departments with respect to the same type of driving in the same localities.

I feel certain the Senator from Texas is familiar with the problem; he knows it exists. May I have assurance from the Senator that his subcommittee will examine into the problem at an early date, to determine whether some improvement might be made in an attempt to solve the problem?

Mr. YARBOROUGH. I assure the Senator from Iowa that the committee certainly will do that. The Senate is now considering the House bill, but it is virtually identical with the Senate bill which has been introduced, and on which hearings were held in May. It has been pending for some time. Some of the Government reports are dated in March. Work on the bill has been progressing over several months.

The Senator from Iowa has made a major suggestion. It involves more of a major change in policy than anything provided in the bill under consideration. I feel we should not undertake such a change without holding hearings, and our committee will hold prompt hearings.

Some of the difficulty may be solved administratively, because section 4 of the Travel Expense Act of 1949 provides:

> Civilian officers or employees of departments and establishments or others rendering service to the Government shall, under regulations prescribed by the Director of the Bureau of the Budget, and whenever such mode of transportation is authorized or approved as more advantageous to the Government * * * be paid—

And so forth. These regulations are under the jurisdiction of the Director of the Bureau of the Budget, but departments have been permitted to establish different maximums based upon their own experience; and different departments have had different experiences.

As the Senator knows, Government employees have employee organizations. There is a large number of them. The organizations present bills of this type to us. This proposal was not submitted to the committee, and hearings were not held. On a subject of this kind, the committee ought to hear from representatives of the department and the Bureau of the Budget, to determine what effect such a proposal would have on the Government.

Mr. MILLER. I am familiar with the fact that certain Government employees' organizations are concerned about these questions; but the Senator from Texas knows, as well as I do, that when their legislative agendas are drawn up, the organizations are more concerned about putting first things first. There are more important things which take precedence over something like uniformity as among departments with respect to mileage payments.

So the fact that the organizations did not necessarily come before the committee and ask for uniform treatment does not mean that they do not wish it.

The Senator has said that his subcommittee will consider this subject and hold hearings on it. If it can be handled administratively, through the Bureau of the Budget, that will be fine. If amendatory language is required, then I hope the Senator and his committee will give serious consideration to it. This is a problem which should be solved. It was my hope that it could be solved by an amendment to the bill we are now considering. However, I understand the problems involved and the desirability of having hearings on the question. With the understanding that hearings will be held at an early date on this subject, I withhold my objection.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3279) was read the third time and passed.

Mr. YARBOROUGH. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDEPENDENT OFFICES APPROPRIATIONS, 1962

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 593, H.R. 7445.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7445) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices for the fiscal year ending June 30, 1962, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

AMENDMENTS TO LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION AND INDEPENDENT OFFICES APPROPRIATION BILLS

Mr. PROXMIRE. Mr. President, I submit two amendments, one to the Labor and Health, Education, and Welfare appropriation bill, and one to the independent offices appropriation bill.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. PROXMIRE. Mr. President, the amendments would reduce domestic spending by almost $350 million.

The President has called for increased defense expenditures totaling $3.5 billion to meet our worldwide commitments. Congress has already begun to vote these funds to which there will be no objection. The Senate has voted unanimously to authorize an appropriation of $3 billion.

The President has called on Congress to refrain from pushing spending above his requests. He has told the Nation to expect at least a $5 billion deficit in the current fiscal year.

He has expressed his determination to fight for a balanced budget in fiscal 1963.

The appropriations I propose to reduce are those for the Labor Department, the Department of Health, Education, and Welfare, and for various independent offices of the Federal Government.

The $350 million by which I am proposing to cut these bills was added by the Senate Appropriations Committee above and beyond specific items which the Kennedy administration requested. The Eisenhower requests were even lower. Each of my amendments would reduce each appropriation item that exceeded the Kennedy request.

However, my amendments would shove spending below the total administration request by sustaining the Appropriations Committee in each reduction they made in an administration request.

Many of the increases proposed undoubtedly provide for projects which are desirable and worthy. In a period of national crisis, and vastly increased defense spending, however, we can afford only essential programs if we are to keep any semblance of order in the Federal budget. Even now, the budget will be unbalanced by at least $5 billion in the current fiscal year.

Mr. President, I have a third amendment. By representing the Government as a major consumer of oil, gas, electricity, and utility services, the General Services Administration also saves private consumers hundreds of millions of dollars. The transportation public utility service appears before many State and Federal regulatory bodies and is often the sole consumer representative. House bill 7445, the independent offices appropriation bill, would prohibit this.

On page 24 of the independent offices appropriation bill, the following committee amendment appears:

> No part of the funds appropriated by this Act shall be used for the preparation or presentation of evidence or arguments before Federal and State Regulatory Agencies concerning the regulatory policies of such agencies on overall earnings level or total property evaluation of transportation or utility companies.

My amendment would delete that language, and thus would permit such appearances to be made.

The Senate committee's report states, on page 17:

> What is disputed is participation in these proceedings for the presentation of evidence and argument covering broad matters of regulatory policy such as valuation, rate of return, and other subjects related to overall regulatory policy of the various commissions.

Mr. President, that is like saying, "You may go swimming, but don't go near the water."

The report states that the obligation of the General Services Administration to participate in regulatory and rate proceedings is not disputed. Then it goes on to completely tie their hands, by forbidding them to present evidence and arguments on the very guts of such proceedings. It is equivalent to asking a lawyer to argue against a rate increase, but forbidding him to bring evidence or to submit argument on broad principles.

My amendment strikes out the specific committee amendment to the independent offices appropriations bill forbidding such intervention, and restores the $300,000 cut by the Senate committee.

According to the Parliamentarian, a point of order against the language in the committee amendment should not be sustained, inasmuch as it is not substantive legislation, otherwise forbidden in an appropriation bill.

I should like to propound a parliamentary inquiry in connection with this matter so that tomorrow, when Senators are on the floor, there will be, I hope, no dispute about it. As I understand the language of the committee amendment, on page 24 of the bill, in lines 1 to 6, it seems to me that it applies not only to TPUS or GSA, as the committee report seems to intend, but that it would also prevent such diverse agencies and bodies as NASA, OCDM, FAA, HHFA, the National Science Foundation, the Veterans' Administration, the GAO, or the FPC, as well as the GSA, from appearing before a Federal or State regulatory body to discuss the basic points of rate setting, under any circumstances. So I request from the Chair an advisory opinion as to whether this opinion is correct, in view of the fact that all these agencies are covered by this bill.

The PRESIDING OFFICER (Mr. METCALF in the chair). The language speaks for itself. However, as the Senator from Wisconsin has pointed out, it is a limitation upon the expenditure of funds appropriated by this act.

Mr. PROXMIRE. I thank the Chair, and I think the opinion given by the Chair is clear. It is obvious that since all these agencies are covered by this bill, and since it is provided here that none of the funds appropriated in the bill can be spent for this purpose, it would then be impossible for any of these agencies to appear before Federal and State regulatory bodies and even prepare or present evidence or arguments before them.

Mr. HART. Mr. President, at this point, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am delighted to yield.

Mr. HART. Did I correctly understand the Senator from Wisconsin to say that a tentative parliamentary ruling has been indicated to him—namely, that if a point of order were raised in regard to this committee amendment, the point of order would be held to be not well taken?

Mr. PROXMIRE. That is correct. I stated that, earlier, not on the point of order I have raised at this time, but before I came to the floor, the Parliamentarian had rendered an informal opinion to the effect that a point of order would not be sustained to this committee amendment, although last year or the year before a point of order was sustained to a similar provision. But this time the language has been more carefully drafted; and the opinion is that in this case a point of order, if raised, will not be sustained.

Mr. HART. I apologize for intruding; I came on the floor late.

Let me ask whether the Senator from Wisconsin has submitted an amendment.

Mr. PROXMIRE. I have an amendment which I am proposing at the present time—an amendment to eliminate this language. Thus, a direct vote can be taken on the question of deleting this language and permitting these agencies to appear on the basis of offering evidence.

Mr. HART. And it was with respect to that committee amendment, was it, that I understood the Senator to discuss the question of its propriety in an appropriation bill?

Mr. PROXMIRE. The situation is that at the present time a committee amendment to the appropriation bill contains a provision which, in effect, would prohibit these agencies from appearing before Federal and State regulatory bodies. Several Senators have considered that this committee amendment would seem to be legislation, rather than simply an appropriation provision.

Mr. HART. The Senator from Wisconsin may number me among those who had that impression.

Mr. PROXMIRE. Very well, and a number of other Senators felt the same way.

In order to determine whether that was correct, I checked with the Parliamentarian. He stated it was not correct—in other words, that, in his judgment, a point of order made against this committee amendment would be held not to be well taken, and that the committee amendment was not legislation on an appropriation bill, because of the way the language of the amendment had been drafted.

However, to accomplish the same result directly, I am submitting an amendment; and I understand that my amendment is in order, and that there is no reason why any parliamentary question or point of order should be raised regarding it.

Mr. HART. I very much appreciate this information. I am delighted that the Senator from Wisconsin has undertaken this effort. I hope that he and I will be joined by many other Senators, tomorrow, in taking this position.

Mr. PROXMIRE. I thank the Senator from Michigan.

Mr. President, in order to clarify the situation, and inasmuch as the Parliamentarian's rulings were informal, and not on the record, I now raise a point of order—namely, whether the provisions appearing in lines 1 to 6 of the committee amendment on page 24 of House bill 7445 would be held to be in order if a point of order were made on the ground that such language is legislation on an appropriation bill.

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair, after consultation with the Parliamentarian and after examining the precedents, that this language is a limitation, not legislation, and that therefore a point of order would not be sustained.

Mr. PROXMIRE. I thank the Chair.

Mr. President, I now offer my amendment.

The PRESIDING OFFICER. The amendment will be received, and will be printed and will lie on the table.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILL INTRODUCED

Mr. FULBRIGHT (by request), by unanimous consent, introduced a bill (S. 2336) to amend the International Organizations Immunities Act extending certain privileges, exemptions, and immunities to international organizations and to officers and employees thereof, which was read twice by its title and referred to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill which appear under a separate heading.)

INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the International Organizations Immunities Act extending certain privileges, exemptions, and immunities to international organizations and to officers and employees thereof.

The proposed legislation has been requested by the Secretary of State, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter from the Secretary of State, dated July 20, 1961, to the Vice President in regard to it.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 2336) to amend the International Organizations Immunities Act extending certain privileges, exemptions, and immunities to international organizations and to officers and employees thereof, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The "International Organizations Immunities Act" (title I, Public Law 291, 79th Congress, 59 Stat. 669, hereinafter referred to as the Act) is hereby amended by adding to section 2 thereof the following subsection:

"(e) (1) For the purposes of this subsection (e) the term "person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, and any legal successor, representative agent or agency of the foregoing:

"(ii) It shall be unlawful, without the authorization or approval of the executive head of any international organization, for any person to use, within the jurisdiction of the United States of America, the name, the abbreviation thereof (through the use of its initial letters), the emblem, the flag, or the official seal of that international organization, or any simulation thereof, for any commercial or charitable purpose or for any other purpose: *Provided,* That any person, who, or whose predecessor, used the name, abbreviation thereof (through the use of its initial letters), the emblem, the flag, or the official seal of an international organization, or any simulation thereof, or who acquired any right thereto, prior to the enactment of this Act may continue to enjoy such right and such use for the same purpose and for the same goods: *Provided further,* That no such use shall be made with the fraudulent purpose of inducing the belief that it is sponsored by or in any way officially connected with an international organization: *Provided further,* That any person who willfully violates or attempts to violate any of the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be liable to a fine not exceeding $500 or to imprisonment to a term not exceeding one year, or both, for each and every offense.

The letter presented by Mr. FULBRIGHT is as follows:

The Honorable LYNDON B. JOHNSON,
President of the Senate.

DEAR MR. VICE PRESIDENT: There is transmitted herewith for the consideration of the Congress proposed legislation to amend the International Organizations Immunities Act (Public Law 291, 79th Cong.). A similar proposal was submitted to the 2d session of the 85th Congress in June 1958 and again to the 1st session of the 86th Congress in February 1959. However, in both instances, the Congress adjourned without action having been taken. The proposed amendment would make available to public international organizations, as now defined in section 1 of the act, certain benefits which it is believed would contribute to the effective operation of these international organizations. The proposed amendment would not involve additional expense to the United States nor would the proposed amendment in any way diminish, abridge, or weaken the right or power of the United States to safeguard its security.

The provision proposed to be added by the amendment would have the following effect:

Subsection 2(e) would protect the seal, the flag, the emblem, and the name, as well as the abbreviation thereof, of international organizations against unauthorized use. Such a provision, with regard to the United Nations, was passed by the House of Representatives in 1947 (H.R. 4186, 80th Cong.). An exception is made for persons who have used such name, seal, emblem, or flag prior to the enactment of the act, in which case

they may continue to do so providing the use is for the same purpose and for the same goods and further providing that such use is not made for a fraudulent purpose.

A similar communication is being sent to the Speaker of the House of Representatives.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the Congress.

Sincerely yours,

DEAN RUSK.

DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1962—AMENDMENTS

Mr. PROXMIRE submitted amendments, intended to be proposed by him, to the bill (H.R. 7035) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1962, and for other purposes, which were ordered to lie on the table and to be printed.

INDEPENDENT OFFICES APPROPRIATION BILL, 1962—AMENDMENTS

Mr. PROXMIRE submitted amendments, intended to be proposed by him, to the bill (H.R. 7445) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and officers, for the fiscal year ending June 30, 1962, and for other purposes, which were ordered to lie on the table and to be printed.

ADJOURNMENT TO 11 A.M. SATURDAY

Mr. PROXMIRE. Mr. President, if there is no further business to come before the Senate at this time, I now move, in accordance with the order previously entered, that the Senate stand in adjournment until tomorrow, at 11 o'clock a.m.

The motion was agreed to; and (at 8 o'clock and 9 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Saturday, July 29, 1961, at 11 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 28, 1961:

PUBLIC HEALTH SERVICE

The following candidate for personnel action in the regular corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations:

FOR PERMANENT PROMOTION

John C. Eason, Jr. to be senior sanitarian.

U.S. NAVY

Adm. Charles R. Brown, U.S. Navy, to be placed on the retired list with the rank of admiral under the provisions of title 10, United States Code, section 5233.

Vice Adm. Frederick N. Kivette, U.S. Navy, to be placed on the retired list with the rank of vice admiral under the provisions of title 10, United States Code, section 5232.

Having been designated, under the provisions of title 10, United States Code, section 5231, the following-named officers for commands and other duties determined by the President to be within the contemplation of said section, to have the grade indicated while so serving:

To be vice admirals

Rear Adm. Alfred G. Ward, U.S. Navy.
Rear Adm. David L. McDonald.

The following-named officers of the line of the Navy for temporary promotion to the grade indicated, subject to qualification therefor as provided by law:

To be rear admirals

Harry Hull	Clyde J. Vanarsdall, Jr.
Robert H. Weeks	William E. Sweeney
Thomas H. Morton	Ernest E. Christensen
John S. Coye, Jr.	Reuben T. Whitaker
Joseph W. Williams, Jr.	Walter H. Baumberger
Arnold F. Schade	Joseph B. Tibbets
Charles E. Loughlin	Nels C. Johnson
James O. Cobb	Samuel R. Brown, Jr.
Thomas A. Christopher	Thomas W. South II
	John J. Fee
Robert A. MacPherson	Richard B. Lynch
Carlton B. Jones	John N. Shaffer
Paul D. Buie	John H. Maurer
James R. Reedy	Fred E. Bakutis
Henry S. Monroe	Eli T. Reich
Edgar H. Batcheller	Robert E. Riera
William A. Brockett	Turner F. Caldwell, Jr.
Edward J. Fahy	
John V. Smith	

The following-named officer for temporary promotion to the grade indicated pursuant to title 10, United States Code, section 5787, while serving as Assistant Judge Advocate General of the Navy, pursuant to title 10, United States Code, section 5149:

To be rear admiral

Capt. Robert D. Powers, Jr., U.S. Navy.

IN THE ARMY

The nominations beginning George T. Adair to be colonel, and ending Thomas S. Myerchin to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 7, 1961.

IN THE AIR FORCE

The nominations beginning Kenneth H. Cooper to be captain, and ending Alfred B. Zustovich to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 7, 1961.

SENATE

SATURDAY, JULY 29, 1961

The Senate met at 11 o'clock a.m., and was called to order by the President pro tempore.

Dr. Frederick E. Reissig, minister, Emmanual Lutheran Church, Bethesda, Md., offered the following prayer:

O God, out of Thine eternity, speak to us in this hour of our history fraught for us with such dangers. Transform our darkness into light; our fears into faith; our timidity into courage. Stretch Thou our little human minds and little souls that they may match the needs of this hour lest we fail both man and Thee. Make humble our hearts lest we forget who we are.

And when we have done our best, with the guidance of Thy Holy Spirit, grant us that peace which passes all understanding and a sense of joy in the service to which Thou hast called us.

And Thine be the honor and the glory and the praise forever and ever. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, July 28, 1961, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour for the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. KUCHEL, and by unanimous consent, the Internal Security Subcommittee of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

RELATIONSHIP OF THE UNITED STATES WITH THE REPUBLIC OF CHINA AND COMMUNISTIC CHINA—POSITION OF SENATOR McGEE

Mr. MANSFIELD. Mr. President, the Senator from Wyoming [Mr. McGEE] wishes to state for the RECORD that he strongly supports Senate Concurrent Resolution 34, expressing the sense of Congress against the seating of Communist China in the U.N. The Senator further states that the time is at hand for the free world to make it clear that the Communist dictators of China are not going to run roughshod over countries who put freedom and people above slavery and communes.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

U.S. ATTORNEY

The Chief Clerk read the nomination of Theodore L. Richling, of Nebraska, to be U.S. attorney for the district of Nebraska for a term of 4 years.

The VICE PRESIDENT. Without objection the nomination is confirmed.

U.S. MARSHALS

The Chief Clerk proceed to read sundry nominations of U.S. marshals.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be consid-